

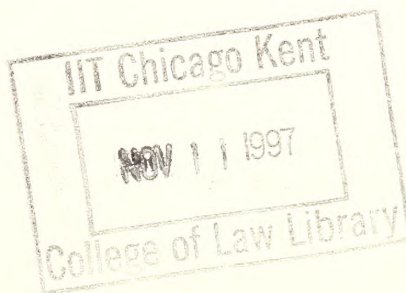
1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 45—November 07, 1997

Pages 14,415 - 14,648



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
George H. Ryan
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS
November 7, 1997 Volume 21, Issue 45

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Diligent Searches Conducted By The Department Of Children And Family Services	
89 Ill. Adm. Code 332	14415
NUCLEAR SAFETY, DEPARTMENT OF	
Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine	
32 Ill. Adm. Code 360	14423
PROFESSIONAL REGULATION, DEPARTMENT OF	
The Illinois Nursing Act Of 1987	
68 Ill. Adm. Code 1300	14498

ADOPTED RULES

CAPITAL DEVELOPMENT BOARD	
Illinois Accessibility Code	
71 Ill. Adm. Code 400	14502
EDUCATION, STATE BOARD OF	
Pupil Transportation	
23 Ill. Adm. Code 275	14543
NATURAL RESOURCES, DEPARTMENT OF	
Youth Hunting Season For White-Tailed Deer	
17 Ill. Adm. Code 685	14548
PROPERTY TAX APPEAL BOARD	
Practice And Procedure For Hearings Before The Property Tax Appeal Board	
86 Ill. Adm. Code 1910	14551
SECRETARY OF STATE	
The Use Of The Capitol Complex Facilities	
71 Ill. Adm. Code 2005	14563

EMERGENCY RULES

GAMING BOARD, ILLINOIS	
Riverboat Gambling	
86 Ill. Adm. Code 3000	14566

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF	
Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125	14575

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	14589

NOTICE OF PUBLIC INFORMATION

REVENUE, DEPARTMENT OF	
Index Of Letter Rulings (Third Quarter 1997)	14600

NOTICE OF PUBLICATION ERROR

STATE POLICE MERIT BOARD, DEPARTMENT OF	
Procedures Of The Department Of State Police Merit Board	
80 Ill. Adm. Code 150	14626

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of November 12, 1997	14628
Second Notices Received	14635

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

97-161	Vet Center Appreciation Day (Revised)	14637
97-534	C.R. Walgreen III Day (Revised)	14637
97-582	August Hazzard Day	14637
97-583	George L. Harris Day	14638
97-584	Illinois Bowling Association 100th Anniversary	
	Week	14639
97-585	Key Club Week	14639
97-586	Village of South Chicago Height Day	14640
97-587	NAACP Week	14640
97-588	National Runaway Switchboard Day	14641
97-589	Snug Hugs for Kids Days	14641
97-590	YWCA Week Without Violence	14642
97-591	A Season For Nonviolence	14642
97-592	Christ Universal Temple Month/Reverend Dr. Johnnie	
	Colemon Day	14642
97-593	Dunbar Vocational High School Days	14643
97-594	Planned Parenthood Springfield Area Day	14644
97-595	Refugee Week	14644

97-596	Slovenian Day	14645
97-597	Clara E. Winning Recognized	14645
97-598	Cosmopolitan Bank and Trust Day	14646
97-599	Drunk and Drugged Driving Prevention Month	14646
97-600	Katherine Shindle Day	14647
97-601	Vance Cummins Day	14647

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

Printed by authority of the State of Illinois
November 1997 - 730 - GA-409

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Diligent Searches Conducted by the Department of Children and Family Services

- 2) Code Citation: 89 Ill. Adm. Code 332

- 3) Section Numbers: Proposed Action:

332.10	New
332.20	New
332.30	New
332.40	New
332.50	New
332.60	New
332.70	New
332.80	New

- 4) Statutory Authority: 705 ILCS 405

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-28 amended the Juvenile Court Act of 1987 to require the Department of Children and Family Services to adopt rules defining the requirements for conducting a diligent search to locate parents of minors in the custody of the Department. These proposed rules describe both the reasons and the requirements of the Department for conducting diligent searches. These proposed rules are not limited to searches for parents only, but apply to all other reasons for which the Department conducts searches.

- 6) Will these proposed rules replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporations by reference? No

- 9) Are there any proposed amendments to this Part pending? No

- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rule may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Springfield, IL 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The legislation requiring these rules was passed after the deadline for the most recent regulatory agenda.

The full text of the proposed rule begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 332

DILIGENT SEARCHES CONDUCTED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section 332.10	Purpose
332.20	Definitions
332.30	Reasons for Conducting Diligent Searches
332.40	Diligent Search Activities
332.50	Sibling Searches
332.60	Time Frames
332.70	Documentation
332.80	Validity of Diligent Search

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 504]; the Juvenile Court Act of 1987 [705 ILCS 405]; the Adoption Act [750 ILCS 50]; and the Abused and Neglected Child Reporting Act [325 ILCS 5].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 332.10 Purpose

The purpose of this Part is to describe the reasons and requirements for conducting diligent searches.

Section 332.20 Definitions

"Absent parents" means the child's biological or adoptive parents whose rights have not been terminated and whose whereabouts are unknown.

"Adjudicatory hearing", as defined in the Juvenile Court Act of 1987, means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of the petition under Section 5-13 that a minor is delinquent are proved beyond a reasonable doubt. [705 ILCS 405/1-3]

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Involved subjects of a child abuse or neglect report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"LEADS" means the Law Enforcement Agencies Data System.

"Putative Father Registry" has been established by the Department for the purpose of determining the identity and location of a putative father of a child who is, or is expected to be, the subject of an adoption proceeding in order to provide notice of such proceeding to the putative father.

"Relative" for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Siblings" means children in the custody of the Department who have a shared biological or adoptive parent.

"Temporary custody hearing" is a hearing held in a court within 48 hours, exclusive of Saturdays, Sundays and court-designated holidays, after a minor's being taken into temporary protective custody, to determine whether the minor shall be held in further custody. [705 ILCS 405/2-9]

"Termination of parental rights" is a legal action of the court or a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

voluntary action by the parents that relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

Section 332.30 Reasons for Conducting Diligent Searches

The Department shall use reasonable efforts to conduct a diligent search to locate the following:

- a) absent parents for the purpose of notifying them of a temporary custody hearing in accordance with Section 2-10 of the Juvenile Court Act [705 ILCS 405/2-10];
- b) absent parents for the purpose of notifying them of an adjudicatory hearing in accordance with Section 2-16 of the Juvenile Court Act of 1987 [705 ILCS 405/2-16];
- c) absent parents for the purpose of terminating parental rights;
- d) involved subjects of a child abuse or neglect report whose whereabouts are unknown;
- e) absent parents when the absence of the parent was a factor in whether to take or retain custody of the child;
- f) persons served by the Department either directly or through contractual services, including those served in intact family cases, who are unable to be located for the purpose of service delivery, risk assessment, or service planning;
- g) relatives of a child in Department custody for the purposes of finding the best earliest placement for a child that will result in permanency or support for the family in accordance with 89 Ill. Adm. Code 301, Placement and Visitation Services. The search for relatives will continue until at least two relatives have been found who can meet the criteria for placement described in 89 Ill. Adm. Code 301, Placement and Visitation Services; and
- h) siblings of children in the Department's custody for the purpose of placing the siblings together or to facilitate regular visitation.

Section 332.40 Diligent Search Activities

- a) Performance of all of the activities listed in subsections (a)(1) through (9), not necessarily in the order listed, is mandatory within 48 hours after the Department takes temporary protective custody of a child, or if temporary protective custody was not taken, within 48 hours prior to the temporary custody hearing, unless the person being sought is located before the completion of all of the steps:
 - 1) review of Department records and automated information systems including prior child abuse and neglect investigations and current case records, and the Putative Father Registry;
 - 2) conduct Law Enforcement Agencies Data System (LEADS) checks on person being sought;
 - 3) in-person visit to the last known address of the custodial parent;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 4) interviews with known and locatable relatives of the absent parents;
 - 5) a check with current caregiver of the child and siblings;
 - 6) check of Public Aid Screen;
 - 7) check with Directory Assistance and telephone books;
 - 8) check with the individual's current or past employers, if known; and
 - 9) check with the Department's Ombudsman Office to determine whether a parent has contacted that office to determine whether his or her child is under the custody or guardianship of the Department pursuant to the provisions of the Juvenile Court Act of 1987 [705 ILCS 405/1-5].
- b) If, after the completion of the steps listed above in subsection (a), the person has not been located, the following activities shall be conducted within the first 21 days after the Department takes temporary protective custody of a child:
- 1) in-person visit to last known address of the non-custodial parent within the caseworker's county or contiguous county. If the last known address is outside of the caseworker's county or contiguous county, the caseworker will utilize the assistance of other Department offices, or if the last known address is out-of-State, the caseworker will contact that state's child welfare agency and request a courtesy visit;
 - 2) a check with caregivers who have cared for the child within the last two years and caregivers of the child's siblings within the past year;
 - 3) check of child's school and school records and the schools of the child's siblings;
 - 4) attempts to contact former neighbors and landlords at last known address by phone or mail;
 - 5) check with Department of Motor Vehicles;
 - 6) review of Juvenile Court records where applicable;
 - 7) check with the Department of Correction;
 - 8) certified and regular letter to last known address;
 - 9) check of the Military Locator Service (where applicable);
 - 10) check with community agencies in the neighborhood where the person being sought last resided;
 - 11) check of the local post office for change of address;
 - 12) check with the Bureau of Vital Statistics of the Illinois Department of Public Health for birth and death information; and
 - 13) check additional sources of information as developed by the Department through agreements with other State agencies.

Section 332.50 Sibling Searches

A diligent search for the purpose of placing siblings together is defined in 89 Ill. Adm. Code 301.70(c) which states that a diligent search to locate a joint placement for siblings shall consist of written documentation that:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- a) the Department has asked the siblings' parents and known relatives whether there are any relatives who may be willing to become relative foster parents for the siblings;
- b) the Department has asked any current foster parents of a child already in Department custody or guardianship whether they can accommodate the child's siblings in accordance with licensing standards; and
- c) the Department has conducted a search of vacant Department and private agency foster care placements and other appropriate placements in the same region as the parents' home to identify those placements that can provide a joint placement for the sibling group and that meet the placement requirements for all Department cases as set forth in this Part.

Section 332.60 Time Frames

- a) A diligent search to locate absent parents for the purpose of notifying them of a temporary custody hearing shall be conducted within 48 hours after the Department takes temporary protective custody of a child or before the shelter care hearing, if temporary protective custody has not been taken.
- b) A diligent search to locate absent parents for the purpose of notifying them of an adjudicatory hearing shall be conducted within 21 days after the Department takes temporary protective custody of a child.
- c) A diligent search to locate relatives of the child for purposes of placing the child with a relative shall be conducted within 30 days after the Department takes temporary protective custody of a child. The time frame for locating relatives may be extended by the casework supervisor up to 30 days due to a large number of relatives to be located, a large number of siblings for whom a suitable relative placement must be found, or the complex special needs of the children for whom a suitable relative placement must be found.
- d) A diligent search for all other persons described in Section 332.30 shall be conducted until all activities listed in Section 332.40(a) and (b) have been exhausted or the person is located. If the Department receives subsequent information regarding the whereabouts of the missing person, the Department will investigate the information that has been provided.

Section 332.70 Documentation

All efforts to locate persons described in Section 332.30 shall be documented in writing and kept in the case file. A copy shall be available for submittal to the court, if required.

Section 332.80 Validity of Diligent Search

If a diligent search has been conducted and failed to locate the persons listed

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

above, the diligent search shall be considered valid for 12 months unless another diligent search is ordered by the court.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine

2) Code Citation: 32 Ill. Adm. Code 360

3) Section Number: Proposed Action:

360.10 Amendment
360.20 Amendment
360.30 Amendment
360.40 Amendment
360.50 Amendment
360.60 Amendment
360.71 Amendment
360.75 Amendment
360.90 Amendment
360.100 Amendment
360.110 Amendment
360.120 Amendment
APPENDIX A Amendment
APPENDIX B Amendment
APPENDIX C Amendment
APPENDIX D Amendment
TABLE A Amendment
TABLE B Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to amend this Part by: (1) clarifying the experience requirements for a "diagnostic imaging specialist"; (2) adding a new subsection in Section 360.30 which would require registrants to verify that individuals who are required to be accredited by 32 Ill. Adm. Code 401 to perform medical radiography are properly accredited with the Department; (3) clarifying and updating terminology in this Part; (4) adding provisions in Sections 360.50 and 360.90 to allow the use of distance to limit radiation doses; (5) reorganizing the provisions of Section 360.60 for clarity and deleting the requirement for numeric indicators; (6) adding requirements in Section 360.71 to implement a legislative mandate relating to the distribution of mammography pamphlets; (7) deleting the reference to Section 360.60(a)(1) in Section 360.100(a)(3)(A) which will allow veterinarians to use a non-independent stepless adjustable collimator; (8) correcting the phrase "qualified nondepartment inspector" to reflect the statutory language of "nondepartment qualified inspector" everywhere it appears in the rule; (9) changing the breast and phantom thicknesses throughout the rule from 4.5 to 4.2 to meet the revised standards of the American College of Radiology; (10) updating incorporations by reference to the latest editions; and (11)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

changing references throughout the rule to meet the format requirements of the Joint Committee on Administrative Rules.

The Department has held a meeting with the Radiation Protection Advisory Council to discuss the proposed changes to this Part. The Radiation Protection Advisory Council has approved the proposed changes.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that these amendments will impact small businesses (i.e., medical and veterinary practices that use x-rays for healing arts purposes), small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments require that every operator of a radiation installation where mammography services are provided to ensure and confirm by documenting that each mammography patient is provided with

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

a pamphlet explaining mammography procedures which is orally reviewed with the patient.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 360

USE OF X-RAYS IN THE HEALING ARTS INCLUDING MEDICAL, DENTAL,
PODIATRY, AND VETERINARY MEDICINE

Section	
360.10	Scope
360.20	Definitions
360.30	General Requirements and Administrative Controls
360.40	General Equipment and Operation Requirements for Diagnostic X-Ray Systems
360.41	Additional Requirements for Use of Diagnostic X-Ray Systems in the Healing Arts of Medicine, Podiatry and Chiropractic
360.50	Fluoroscopic Systems
360.60	Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems
360.70	Mobile/Portable Radiographic Systems Other Than Systems Used Solely for Mammography (Repealed)
360.71	Additional Requirements for Facilities Performing Mammography
360.75	Computed Tomography (CT) Systems
360.80	Photofluorographic Systems (Repealed)
360.90	Dental Radiographic Systems
360.100	Veterinary Radiographic Systems
360.110	Therapy Systems Operating Below 1 MeV
360.120	Therapy Systems Operating at 1 MeV or Greater
APPENDIX A	Medical Radiographic Entrance Exposure Measurement Protocol
APPENDIX B	Mammography Dose Measurement Protocol
APPENDIX C	Mammography Phantom Image Evaluation
APPENDIX D	Computed Tomography Dose Measurement Protocol
APPENDIX E	Minimum Quality Control Program for Medical Accelerators
ILLUSTRATION A	Thimble and Pancake Chamber-Radiation Measuring Devices
ILLUSTRATION B	Mammography Dose Evaluation Graph (Repealed)
TABLE A	Mammography Dose Evaluation Table
TABLE B	Half-Value Layer as a Function of Tube Potential
TABLE C	Entrance Exposure Limits Per Intraoral Bitewing Film (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; old rules repealed, new rules adopted at 4 Ill. Reg. 25, p. 157, effective July 1, 1980; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 16406; amended at 10 Ill. Reg. 13271, effective July 28, 1986; amended at 13 Ill. Reg. 803, effective April 1, 1989; amended at 15 Ill. Reg. 6180, effective April 16, 1991; amended at 17 Ill. Reg. 17972, effective October 15, 1993; amended at 18 Ill. Reg. 11524, effective

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

July 11, 1994; emergency amendment adopted at 19 Ill. Reg. 273, effective December 30, 1994, for a maximum of 150 days; emergency expired May 30, 1995; amended at 19 Ill. Reg. 8284, effective June 12, 1995; amended at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 360.10 Scope

- a) This Part establishes requirements for use of x-ray producing devices in the healing arts by a practitioner licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 ~~(((Rev---Stat---1991---ch---117---pars---4401-i-et-seq-)))~~ [225 ILCS 60], the Illinois Dental Practice Act ~~(((111---Rev---Stat---1991---ch---117---pars---2301-et-seq-)))~~ [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 ~~(((111---Rev---Stat---1991---ch---117---pars---4801-et-seq-)))~~ [225 ILCS 100], or by a medical radiographer or radiation therapist accredited in accordance with the provisions of 32 Ill. Adm. Code 401.100 or an individual exempt from the provisions of 32 Ill. Adm. Code 401, by Section 401.30 of that Part, acting under the supervision, prescription or direction of such licensed person or the non-human use of x-ray by veterinarians by virtue of the Veterinary Medicine and Surgery Practice Act of 1983 ~~(((111---Rev---Stat---1991---ch---117---pars---7001-et-seq-)))~~ [225 ILCS 115]. The provisions of this Part are in addition to, and not in substitution for, other applicable provisions of 32 Ill. Adm. Code 310, 320, 340, 400 and 410.
- b) It is recognized that some installations and equipment designed before the adoption of this Part, coupled with conditions of use, may be adequate to achieve minimum doses. Request for exemption from some provisions of this Part will be considered in accordance with 32 Ill. Adm. Code 310.30(a).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.20 Definitions

As used in this Part, the following definitions apply:

"Accelerator" (also "particle accelerator") means any therapeutic machine capable of producing a useful beam of x-rays or charged particles with energies of 1 MeV or greater. Accelerators include cyclotrons, betatrons and linear accelerators.

"Accelerator facility" means the location at which one or more particle accelerators are installed and are operated under the same administrative control.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Aluminum equivalent" means the thickness of type 1100 aluminum alloy affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

"Applicator" means a structure which determines the extent of the treatment field at a given distance from the source of the beam.

"Attenuation block" means a block or stack, having dimensions 20 centimeters by 20 centimeters by 3.8 centimeters, of aluminum equivalent. Copper may be substituted for aluminum if an appropriate thickness is used for the kVp selected, as indicated below:

kVp	Millimeters of Copper Equivalent to 3.8 centimeters of aluminum
99 or less	2.0
100 to 125	2.5
greater than 125	3.0

"Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (see "Phototimer").

"Barrier" (see "Protective barrier").

"Beam" means a flow of electromagnetic or particulate radiation which passes through the opening in the beam limiting device and which is used for diagnosis or treatment.

"Beam axis" (see "Central axis of the beam").

"Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field (see "Collimator", "Diaphragm" and "Shutter").

"Beam monitoring system" means a system of devices that will monitor the useful beam during irradiation and will terminate irradiation when a preselected number of monitor units has been accumulated.

"Beam scattering filter" means a filter placed in an electron beam in order to scatter the beam and provide a more uniform distribution of electrons in the beam.

"Central axis of the beam" means the line passing through the source of the beam and the center of the plane formed by the edge of the first beam-limiting device.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Charged particle beam" (see "Beam").

"Coefficient of variation" means the ratio of the standard deviation to the mean value of a population of observations.

"Collimator" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Computed tomography (CT)" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Computed tomography dose index (CTDI)" means the integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan.

"Contact therapy system" means an x-ray system used for therapy which is designed for very short treatment distances (5 centimeters or less), usually employing peak tube potentials in the range of 20 to 50 kVp.

"Control panel" means that part or parts of the x-ray system upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for setting the technique factors prior to initiating an x-ray exposure.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors and the supporting structures and frames which hold these components.

"Dead-man switch" means a switch constructed so that a circuit-closing contact can be maintained only by continuous pressure on the switch by the operator.

"Densitometer" means a device which is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Diagnostic imaging specialist" means a person who possesses the knowledge, training and experience to apply the principles of radiological physics to diagnostic x-ray applications. A diagnostic imaging specialist shall meet one of the two criteria below:

Be certified by the American Board of Radiology, the American Board of Medical Physics or the Canadian College of Medical Physics in:

Diagnostic radiological physics; or

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Radiological physics.

Be approved by the Department as a qualified nondepartment qualified inspector pursuant to the provisions of 32 Ill. Adm. Code 410.30, and:

Have 3 years of experience performing radiation measurements and quality assurance duties in mammography and/or computed tomography ~~for diagnostic imaging facilities~~; or

Have 2 years of experience performing radiation measurements and quality assurance duties in mammography and/or computed tomography and have undertaken a training program of at least 40 hours that ~~was conducted by a diagnostic imaging specialist, and which~~ includes instruction in quality assurance procedures and the requirements of this Part.

To qualify as a diagnostic imaging specialist in mammography and/or computed tomography, the nondepartment qualified inspector's experience shall have been obtained in the same field for which approval is sought.

~~AGENCY NOTE:--A person performing physics duties for a diagnostic facility should have experience in the same field for which the duties are performed. For example, an individual providing support to mammography facilities should have 3 years of experience for various imaging modalities could be gained concurrently.~~

"Diagnostic source assembly" means an x-ray tube housing assembly, designed for use in diagnostic x-ray applications, with a beam-limiting device attached.

"Diaphragm" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Field flattening filter" means a filter used to provide dose uniformity over the area of a useful beam of x-rays at a specified depth.

"Filter" means material placed in the useful beam to absorb, preferentially, radiations based on energy level or to modify the spatial distribution of the beam.

"Gantry" means that part of the system supporting and allowing possible movements of the radiation head.

"General purpose x-ray system" means any radiographic x-ray system

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

which, by design, is not limited to radiographic examination of specific anatomical regions.

"Conad shield" means a protective device for the testes or ovaries which provides a minimum of 0.5 millimeter lead equivalent protection.

"Half-value layer (HVL)" means the thickness of a specified material that attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value.

AGENCY NOTE: The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, should be minimized.

"Healing arts screening" means the examination of human beings using x-ray machines for the detection or evaluation of potential diseases when such examinations are not specifically ordered by a licensed practitioner of the healing arts legally authorized to prescribe such x-ray examinations for the purpose of diagnosis or treatment. However, healing arts screening does not include mammography on self-referred patients.

"Image intensifier" means a device, installed in a housing, which converts an x-ray pattern into a corresponding light image, usually by electronic means.

"Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Isocenter" means a fixed point in space located at the center of the smallest sphere through which the central axis of the useful beam passes at any beam orientation.

"Kilovolts peak (kVp)" means the crest value, in kilovolts, of the electric potential applied to the x-ray tube between the cathode and anode of a pulsating electric potential generator.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means all radiation emanating from the diagnostic source assembly except for:
The useful beam; and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

The radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors used to measure leakage radiation from the diagnostic source assembly. They are defined as follows:

For capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in 1 hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs, i.e., 10 milliamperereconds, or the minimum obtainable from the unit, whichever is larger.

For field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in 1 hour for operation at the maximum-rated peak tube potential.

For all other equipment, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

"Light field" means that area of the intersection of the light beam from the beam-limiting device and any one of the sets of planes parallel to and including the plane of the image receptor. The edge of the light field is defined as the locus of points at which the illumination is 25 percent of that at the center of the light field.

"Mammography" means radiography of the breast for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

"Mammography phantom" means a phantom specifically designed for image quality evaluation of mammography systems and which may also be used in the process of determining the mean glandular breast dose. It shall be any phantom material that is equivalent to a nominal 4.24-5-centimeter compressed breast of average density (i.e., 50 percent adipose and 50 percent glandular tissue), and shall contain masses, specks and fibers as specified in Section 360.71(j)(2) of this Part.

"Mammography system System" means an x-ray system that is used to perform mammography.

"Medical radiographer" means a person other than a licensed practitioner, accredited in accordance with the provisions of 32 Ill. Adm. Code 401, or an individual exempt from the provisions of 32 Ill. Adm. Code 401, who performs medical radiation procedures and applies

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

x-radiation, to any part of the human body, for diagnostic purposes while under the supervision of a licensed practitioner.

"Mobile equipment" (see "X-ray equipment").

"Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"Moving beam therapy" means radiation therapy in which there is displacement of the useful beam relative to the patient. Moving beam therapy includes arc therapy, skip therapy and rotational beam therapy.

"Multiple scan average dose (MSAD)" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a computed tomography system.

"Operator" means an individual who applies ionizing radiation for diagnostic or therapeutic purposes.

"Phototimer" means a method for controlling radiation exposures to image receptors by the amount of radiation which reaches a radiation monitoring device(s). The radiation monitoring device(s) is part of an electronic circuit which controls the duration of time the tube is activated (see "Automatic exposure control").

"Physicist" (see "Therapeutic radiological physicist").

"Portable equipment" (see "X-ray equipment").

"Position indicating device" means a device on intraoral dental x-ray equipment used to indicate the beam position and to establish a definite source-skin distance.

"Primary protective barrier" (see "Protective barrier").

"Protective apron" means an apron of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce exposure from leakage and scatter radiation.

"Protective barrier" means a barrier of radiation absorbing material(s) used to reduce radiation dose. The types of protective barriers are as follows:

"Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation dose.

"Secondary protective barrier" means a barrier sufficient to

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

attenuate the leakage and scatter radiation to the required degree.

"Protective glove" means a glove made of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce dose from leakage and scatter radiation.

"Radiation beam" (see "Beam").

"Radiation therapy simulation system" means a radiographic/fluoroscopic x-ray system used exclusively for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

"Radiologist" means a physician or veterinarian who is either:

Certified by the American Board of Radiology in diagnostic radiology or general radiology;

Certified by the American Osteopathic Board of Radiology;

Certified by the American Chiropractic Board of Radiology; or

Certified by the American College of Veterinary Radiology; or

Eligible for certification by any College or Board identified above.

"Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient support device with respect to the CT x-ray system between successive scans measured along the direction of such displacement.

"Scatter radiation" means radiation that, during passage through matter, has been deviated in direction.

"Secondary protective barrier" (see "Protective barrier").

"Sensitometer" means a device which is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Shadow tray" means a device attached to the radiation head to support auxiliary beam-limiting material.

"Shutter" means an adjustable beam-limiting or attenuating device, usually made of lead, fixed to an x-ray tube housing to intercept or collimate the useful beam (see "Beam-limiting device").

"SID" means source-image receptor distance (see "Source-image receptor distance").

"Source" means the focal spot of the x-ray tube.

"Source-image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Source-skin distance (SSD)" means the distance measured along the central ray from the center of the front surface of the x-ray focal spot to the surface of the irradiated object.

"Special purpose x-ray system" means any radiographic x-ray system which, by design, is limited to radiographic examination of a specific anatomical region, or to the extremities collectively.

"Spot film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

"Stationary beam therapy" means radiation therapy in which there is no displacement of the useful beam relative to the patient during irradiation.

"Stationary equipment" (see "x-ray equipment").

"Technique factors" means the electrical potential (kilovolts), current (milliamperes), exposure time parameters (seconds or pulses) or a combination thereof, selectable at the control panel of an x-ray system (see "Control panel").

"Therapeutic radiological physicist ~~Radiological-Physicist~~" means an individual who has the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection needs and apply the principles of radiological physics to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall:

Be certified by the American Board of Radiology, the American Board of Medical Physics or the Canadian College of Medical Physics in:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Therapeutic radiological physics; or

Roentgen ray and gamma ray physics; or

X-ray and radium physics; or

Radiological physics; or

Hold a master's degree or doctorate in physics, biophysics, radiological physics or health physics and have completed 1 year of full-time training in radiological physics and also 1 year of full-time work experience under the supervision of a therapeutic radiological physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks specified in Section 360.120(c), (d) and (e) of this Part under the supervision of a therapeutic radiological physicist during the year of work experience.

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Useful beam" (see "Beam").

"x-ray equipment" means an x-ray system, sub-system or component thereof. Types of x-ray equipment are as follows:

"Mobile x-ray equipment" means x-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled. Mobile x-ray equipment includes x-ray equipment permanently mounted in vehicles.

"Portable x-ray equipment" means x-ray equipment designed to be hand-carried.

"Stationary x-ray equipment" means x-ray equipment which is installed in a fixed location.

"x-ray field" means, for diagnostic purposes, that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor. The edge of the x-ray field is defined as the locus of points at which the exposure is 25 percent of that at the center of the x-ray field.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control panel, an x-ray tube housing assembly, a beam-limiting device and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system. X-ray systems include diagnostic systems, therapeutic systems and accelerator systems.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.30 General Requirements and Administrative Controls

The requirements in this Section apply to all uses of x-rays in veterinary medicine and to all uses of x-rays in the healing arts including the use of x-rays for both diagnostic and therapeutic purposes. Additional requirements for all diagnostic x-ray systems are in Section 360.40 of this Part and specific equipment application classes are contained in Sections 360.41 through 360.100 of this Part. For therapeutic x-ray systems also see Sections 360.110 and 360.120 of this Part.

a) Registrant. The registrant shall:

- 1) Direct the operation of the x-ray system(s);
- 2) Register with the Department, in accordance with the provisions of 32 Ill. Adm. Code 320, all x-ray equipment which is used at the facility and all portable or mobile x-ray equipment used by the registrant;

- 3) Submit an application for inspection of radiation machines to the Department in accordance with 32 Ill. Adm. Code 410 and, if the inspection is performed by a qualified nondepartment qualified inspector, submit a copy of the radiation inspection report to the Department;

- 4) Verify that each individual required to be accredited by 32 Ill. Adm. Code 401 to apply x-rays for either diagnostic or therapeutic purposes is properly accredited with the Department prior to allowing the individual to apply medical radiation procedures on human beings;

- 5) ~~4~~ Permit operation of the x-ray system(s) only by individuals who are licensed in accordance with State law (see Section 360.10(a) of this Part), or who are accredited by the Department pursuant to 32 Ill. Adm. Code 401 or who are exempt from such requirements in accordance with the provisions of 32 Ill. Adm. Code 401.

- b) Shielding. Each installation shall be provided with such primary barriers and/or secondary barriers as are necessary to assure compliance with the provisions of 32 Ill. Adm. Code 340.210, 340.270, 340.280 and 340.310.

- c) An x-ray system which does not meet the provisions of this Part shall not be operated for diagnostic or therapeutic purposes.

- d) If an x-ray system is identified as not being in compliance with the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

provisions of this Part and if that system is accessible for use, it shall be rendered inoperable (i.e. dismantle the x-ray source from the source support assembly) if so ordered by the Director.

e) Prohibitions

- 1) Unauthorized Exposure. Individuals shall not be exposed to the useful beam except for healing arts purposes and only when such exposure has been authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:

A) Exposure of individuals for training, demonstration or other non-healing arts purposes.

B) Exposure of individuals for the purpose of "healing arts screening" (see Section 360.20 of this Part).

- 2) Fluoroscopy shall not be used as a substitute for radiography or in lieu of proper anatomical positioning/centering procedures prior to radiographic studies.

- 3) Fluoroscopic equipment using phosphorescent screens shall not be used. Image intensification shall be utilized on all fluoroscopic equipment.

- 4) The use of direct exposure x-ray film (without intensifying screens) for routine diagnostic radiological imaging procedures, other than intraoral dental radiography and therapeutic portal imaging, is prohibited.

AGENCY NOTE: Therapeutic portal imaging is a technique used in radiation therapy to verify correct alignment of therapy beams with the patient's anatomy.

- 5) The use of photofluorographic systems is prohibited.

AGENCY NOTE: Photofluorography is frequently called mass miniature radiography. In this technique the image of a fluorescent screen is recorded on film by means of a camera.

- f) Individual Monitoring and Reporting Requirements. All persons who are associated with the operation of an x-ray system are subject to the radiation dose standards, requirements for the determination of the doses, requirements for individual monitoring and requirements for reporting of radiation doses which are contained in 32 Ill. Adm. Code 340.

- g) The registrant shall comply with the requirements of the Department's rules entitled, Notices, Instructions and Reports to Workers; Inspections, 32 Ill. Adm. Code 400.

- h) Records and Associated Information. The registrant shall maintain at the facility, for a period of at least one inspection cycle (see 32 Ill. Adm. Code 410.60(d)), records showing the receipt, transfer, storage and disposal of all sources of radiation in accordance with the provisions of 32 Ill. Adm. Code 310 and 320.

- i) Staff Qualifications. The registrant shall maintain at the facility, for review by the Department, current certificates of accreditation (clear, legible copies are acceptable), issued by the Department in accordance with the provisions of 32 Ill. Adm. Code 401, for all

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

individuals who are required to be so accredited.

- j) Radiation Safety Procedures. The registrant shall provide to each individual who operates x-ray equipment at the facility written operating and safety procedures. These procedures shall include restrictions required for the safe operation of each radiation machine and shall include the topics listed in the radiation safety program of subsection (k) of this Section ~~below~~.

- k) Radiation Safety Program. The registrant shall provide for initial and annual in-service training in radiation safety for individuals (excluding licensed practitioners) that apply ionizing radiation at the facility, to ensure their awareness of the registrant's radiation safety practices and policies. The in-service training shall include the following topics:

- 1) Operating and emergency procedures for the radiation machine(s);
- 2) Use of personnel and patient protective devices;
- 3) Procedures to minimize patient and occupational doses, including procedures for selecting personnel to support patients or film, as required by Section 360.40 of this Part;
- 4) Use of individual monitoring devices (if such devices are used at the facility);
- 5) Film processing procedures; and
- 6) Prohibited uses of x-ray machines, as described in subsection (e) of this Section ~~above~~.

- l) Operator Training. Individuals who operate radiation machines shall be instructed in and able to demonstrate competence with the registrant's operating and safety procedures.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.40 General Equipment and Operation Requirements for Diagnostic X-Ray Systems

The requirements of this Section apply to all diagnostic x-ray systems. Additional requirements for specific equipment application classes are in Sections 360.41 through 360.100 of this Part.

- a) Half-Value Layer
 - 1) The half-value layer of the useful beam for a given x-ray tube potential shall not be less than the values shown in Section 360. Table B of this Part.
 - 2) For capacitor energy storage equipment, compliance with the requirements of this subsection (a) shall be determined with the system fully charged and a setting of 10 mas for each exposure ~~maximum-quantity-of-charge-per-exposure--this-will-be-deemed--to have-been-met-if-an-mAs-of-10-or-greater-has-been-used.~~

- b) Beam-On Indicators

- 1) The control panel shall include a device (usually a milliammeter or labeled indicator lamp) which will give positive indication of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

the production of x-rays whenever the x-ray tube is energized.

2) Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes which have been selected shall be clearly indicated prior to initiation of the exposure. This indication shall be both on the x-ray control panel and at or near the tube housing assembly which has been selected.

- c) Mechanical Support of Tube Head. The tube housing assembly supports shall be adjusted such that the tube housing assembly will remain stable during an exposure unless tube housing movement is a designed function of the x-ray system. The tube housing assembly supports shall not be hand-held unless the manufacturer has specifically designed the system to be operated while hand-held.

- d) Diagnostic Source Assembly Leakage Radiation Limits. The leakage radiation measured at a distance of 1 meter from the source shall not exceed 25.8 microC/kg(100mR) in 1 hour when the tube is operated at its leakage technique factors.

- e) Radiation From Capacitor Energy Storage X-ray Equipment in Standby Status. Radiation emitted from the x-ray tube when the exposure switch or timer is not activated shall not exceed a rate of 0.516 microC/kg (2mR) per hour at 5 centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open.

- f) Technique Indicators

- 1) The technique factors to be used during an exposure shall be indicated at the control panel before the exposure begins. If automatic exposure controls are used, the technique factors which are set prior to the exposure shall be indicated at the control panel.

- 2) The requirement of subsection (f)(1) of this Section ~~above~~ may be met by permanent markings on equipment having fixed technique factors. Indication of technique factors shall be visible from the operator's position except in the case of spot films.

- 3) The indicated technique factors of exposure time and kilovolts peak (kVp) shall correspond to the actual exposure factors within ten percent of the indicated ~~measured~~ values.

- g) Reproducibility of Exposures

- 1) For any specific combination of selected technique factors utilized, the coefficient of variation of radiation exposures shall not exceed 0.05 for any specific combination of selected technique factors. It ~~will-not-be-necessary-to-calculate-the-coefficient-of-variation-if-for-four-consecutive-measurements-the-value-of-the-average-exposure-(Eavg)-is-greater-than-or-equal--to ten-times-the-maximum-exposure-(Emax)-minus-the-minimum-exposure-(Emin)--this-requirement-is-mathematically-represented-by--the following:~~

$$E_{avg} > 10(E_{max} - E_{min})$$

AGENCY NOTE: It will not be necessary to calculate the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

coefficient of variation if for the first four measurements the value of the average exposure (E_{avg}) is greater than or equal to ten times the maximum exposure (E_{max}) minus the minimum exposure (E_{min}). This requirement is mathematically represented by the following:

$$E_{avg} \geq 10 (E_{max} - E_{min})$$

- 2) For systems using automatic exposure control (AEC) (i.e., systems employing photo-multiplier tubes, or ionization chambers to terminate the x-ray exposure), compliance measurements shall be performed with the system operating in the AEC mode. Attenuating material shall be placed in the beam to provide exposure times in the range of those used clinically.

AGENCY NOTE: The intent of this subsection (g) is to require testing of the system in a manner that is clinically relevant. Reproducibility of exposures should be measured at technique factors that are commonly used and are subject to variation. For AEC systems, commonly used settings in combination with an appropriate thickness of attenuating material should be used to provide exposure times in the clinical range.

h) Patient or Film Support

- 1) When a patient or film must be provided with auxiliary support during a radiation exposure:

- No person shall be used routinely to hold film or patients; and
- Unless the procedure precludes their use, mechanical holding devices shall be used to restrain patients. For example, mechanical holding devices could not be used if the devices would preclude clear visualization of the tissue being examined.

- 2) When a patient or film must be held by an individual, written safety procedures, as required by Section 360.30(j) of this Part, shall indicate the criteria for selecting a holder and the procedure the holder shall follow.

AGENCY NOTE: The radiation dose received by radiation workers, patients and the general public can be reduced if mechanical patient and film support devices are used for radiographic and fluoroscopic procedures. In the event that an individual must be used in lieu of mechanical patient or film support devices to hold patients or films, every effort should be made to limit the individual's radiation dose. This can be accomplished by not assigning to a single individual the task of supporting patients and films during radiographic and fluoroscopic examinations. Rather, a number of individuals may be rotated through the assignment, thereby reducing the radiation dose to one individual.

i) Personnel Protection

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- Except for patients who cannot be moved out of the room, only the individuals required for the medical procedure or training shall be in the room during the radiographic/fluoroscopic exposure.
- Individuals who must be in the room with the patient being radiographed or fluoroscoped shall be protected by 0.25 millimeter lead equivalent apparel or device or shall be positioned at a distance such that the individual does not receive a radiation dose in excess of the limits specified in 32 Ill. Adm. Code 340.310.

j) Technique Guides

- In the vicinity of each radiographic x-ray system's control panel, a technique guide shall be provided which specifies for routine examinations performed with that system, the following information:
 - Patient's anatomical size versus technique factors to be utilized;
 - Type of ~~and size of the film or screen-film combination~~ utilized, if more than one to be used; and
 - SID to be used.

- For automatic exposure control (AEC) systems ~~employing photo-multiplier tubes or ionization chambers to terminate the x-ray exposure~~ with selectable exposure detectors and density settings, the technique guide shall also specify the appropriate exposure detector(s) and density setting to be utilized for each radiographic examination listed.

- For AEC systems, if operated in a non-automatic mode, the technique guide shall specify the requirements of subsections (j)(1)(A) through (C) of this Section ~~above~~ to be followed ~~if operated in a non-automatic mode~~.

AGENCY NOTE: The Department recognizes that alternate means may be available at the control panel to indicate technique factors for computerized imaging systems.

- Patient Dose Criteria. Procedures and auxiliary equipment designed to minimize patient and occupational dose commensurate with needed diagnostic information shall be used.

AGENCY NOTE: It is the intent of this subsection (k) to provide for the optimum optical density, resolution and contrast on the film while minimizing patient dose. X-ray films, intensifying screens and other image recording devices should be as sensitive as is consistent with the requirements of the examination.

- X-ray Film Processing Systems. The darkroom safe light illumination shall be adequate for the film speed(s) and the darkroom operating procedures used to prevent fogging of unprocessed film. The following additional requirements apply to film processing systems:
 - Manual film processing systems shall be monitored by the registrant to assure:
 - The use of a dedicated darkroom timer with an adjustable preset function. The timer shall be used to adjust film

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

processing time according to solution temperature.

- B) The use of a dedicated darkroom thermometer. The thermometer shall be used to adjust the film processing time according to solution temperature.
 - C) The use of a film processing guide. The guide shall contain, at a minimum, information regarding time(s) and temperature(s) (as recommended by the film ~~processing~~ **chemical** manufacturer) used by the registrant to develop radiographs.
 - D) The frequency at which film processing chemicals are changed is appropriate for the conditions of use.
- 2) Automated film processing shall be monitored by the registrant to assure:

- A) The temperature of film processing chemicals and the film transport speed is appropriate for the type of film(s) being utilized ~~processed-at-the-film-transport-speed-selected~~.
- B) The film processing chemicals used and their replenishing rate (if applicable) are appropriate for the type of film(s) and quantity processed ~~film-transport-speed-selected~~.
- m) Gonadal Shielding. Except for cases in which it would interfere with the diagnostic procedure, gonadal shielding of not less than 0.5 millimeter of lead equivalent shall be used for patients (who have not passed the reproductive age) during those radiographic procedures in which the gonads are in the useful beam.

AGENCY NOTE: Protection of the embryo or fetus from radiation dose during radiological examination or treatment of a woman of childbearing age (potentially pregnant) should be given special consideration.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.50 Fluoroscopic Systems

In addition to the provisions of Sections 360.10, 360.30, 360.40 and 360.41 of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used for fluoroscopy.

- a) Beam Limitation. The x-ray field shall be limited by stepless adjustable shutters. In addition:
 - 1) The minimum field size at the greatest SID shall be no greater than 5 centimeters by 5 centimeters.
 - 2) The mechanism(s) (manual/automatic mode selector(s)) provided for activating and positioning the beam-limiting shutters shall function properly. This requirement applies to shutters used in fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.
 - 3) Neither the length nor the width of the x-ray field in the plane of the image receptor shall exceed that of the visible area of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID. This requirement applies to field sizes for fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.

- 4) For fluoroscopic equipment with only a manual mode of beam limitation, the x-ray field produced shall be limited to the area of the spot film cassette at 40.6 centimeters (16 inches) above the tabletop. Additionally, during fluoroscopy, the operator shall restrict the beam to the area of the input phosphor.
- 5) Spot film devices shall meet the following additional requirements:

- A) Means shall be provided between the source and the patient for adjustment of the x-ray field size in the plane of the image receptor to the size which has been selected on the spot film selector. Such adjustment shall be accomplished automatically except when the x-ray field size in the plane of the image receptor is smaller than that selected;
 - B) The center of the x-ray field in the plane of the image receptor shall be aligned with the center of the selected portion of the film to within two percent of the SID; and
 - C) If the angle between the plane of the image receptor and beam axis is variable, a device shall be provided to visually indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor.
- 6) The beam limitation requirements of this subsection shall not apply to fluoroscopic systems specifically designed for examination of extremities only and meeting the requirement of subsection (1) of this Section below.
- b) Fluoroscopic Timer. A manual reset, cumulative timing device shall be used which will either indicate elapsed on-time by an audible signal or turn off the system when the total exposure time exceeds a predetermined limit not exceeding 5 minutes in one or a series of exposures.
 - c) Primary Barrier/Interlock. These devices shall be provided and shall function so that:
 - 1) The entire cross section of the useful beam is intercepted by the primary protective barrier of the fluoroscopic image assembly at any SID; and
 - 2) The fluoroscopic tube is interlocked to prevent the unit from producing x-rays unless the primary barrier is in position to intercept the useful beam, as specified in subsection (1) of this Section above, at all times.
 - d) Source-Skin Distance. The SSD shall not be less than:
 - 1) 38 centimeters (15 inches) on all stationary fluoroscopes;
 - 2) 20 centimeters (8 inches) on all mobile fluoroscopes; and
 - 3) 9-9.5 centimeters (3.5-4 inches) for fluoroscopes specifically designed for examination of extremities only and meeting the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

requirements of subsection (1) of this Section below.

- e) Indication of Potential and Current. During fluoroscopy and recording of fluoroscopic images, the kVp kV and the mA shall be continuously indicated at the control panel and/or the operator's position.
- f) Activation of the Fluoroscopic Tube. X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the operator for the entire time of any exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the x-ray exposure(s) at any time, but means may be provided to permit completion of any single exposure of the series in process.

g) Entrance Exposure Requirements

- 1) Maximum Exposure Rate. Fluoroscopic systems shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58 mC/kg(10 R) per minute at the point where the center of the useful beam enters the patient, except:

- A) During recording of fluoroscopic images; or
- B) When an optional high level control is activated (see See subsection [g](2) below).

- 2) When a high level control is activated, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5.15 mC/kg(20 R) per minute at the point where the center of the useful beam enters the patient. In addition, the following requirements apply to high level controls:

- A) Separate means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator.

- B) A continuous signal audible to the operator shall indicate that the high level control is being employed.

- 3) Compliance with the requirements of subsections [g](1) and (2) of this Section above shall be determined using technique factors that produce the maximum exposure rate. For systems employing automatic exposure rate control, material having an equivalency of at least 3 millimeters of lead shall be placed in the primary beam between the image receptor and the radiation measuring device. The lead or equivalent material shall be positioned to ensure that the entire primary beam is blocked.

AGENCY NOTE: Many fluoroscopic systems do not yield their maximum exposure rate at the maximum tube potential or tube current. The exposure rate should be checked at various kVp and mA settings to establish the maximum exposure rate for the system.

- 4) Fluoroscopic systems shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 1.29 mC/kg (5 R) per minute at the point where the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

center of the useful beam enters the patient, when measured under the following conditions:

- A) Movable grids and compression devices shall be removed from the useful beam during the measurement.
- B) For systems without automatic exposure rate control, the measurement shall be performed using technique factors clinically used for a standard adult patient thickness of 23 centimeters.

AGENCY NOTE: An attenuation block or other suitable material should be placed in the beam to protect the imaging system.

- C) For systems with automatic exposure rate control, the measurement shall be performed with ~~an attenuation block or other~~ material simulating the standard adult patient thickness of 23 centimeters, in the beam between the radiation measuring device and the image receptor.

AGENCY NOTE: The Department recommends additional measurements be made of the entrance exposure rate for fluoroscopic systems capable of recording fluoroscopic images, and the entrance exposure for spot film techniques for fluoroscopic systems with that modality. In either case, measurements should be made under the conditions specified in subsection [g](4)(B) of this Section above.

- D) The requirements of subsection [g](4) of this Section shall not apply to fluoroscopes specifically designed for examination of extremities only and meeting the requirements of subsection (1) of this Section below.

- 5) Measurements performed pursuant to the requirements of subsections [g](1) through (4) of this Section above shall meet the following additional requirements:

- A) If the source is below the table, the exposure rate shall be determined for the center of the useful beam 1 centimeter above the tabletop or cradle, with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters (12 inches) above the tabletop.

- B) If the source is above the table, the exposure rate shall be determined at 30 centimeters (12 inches) above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

- C) For a fixed SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly.

- D) For a variable SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly with the end of the beam-limiting device or spacer positioned as close as possible to the point of measurement.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

E) For a lateral type fluoroscope, the exposure rate shall be determined on the central axis of the primary beam at a point 15 centimeters (6 inches) from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the x-ray table.

AGENCY NOTE: A lateral type fluoroscope is a fluoroscope that cannot be rotated so that the source or the fluoroscopic imaging assembly can be positioned below the fluoroscopic table or cradle.

F) For a fluoroscopic system specifically designed for examination of extremities only, the exposure rate shall be determined for the minimum source-skin distance.

6) The measurements required by this subsection (g) **above** shall be performed when the system is inspected as specified in 32 Ill. Adm. Code 410 as well as after any maintenance of the system which might affect the exposure rate.

7) The results of the measurements required by subsections (g)(1), (2) and (4) of this Section **above** shall be posted or available at the control panel. The measurement results shall be stated in millicoulombs per kilogram (roentgens) per minute or microcoulombs per kilogram (milliroentgens) per second and shall include the technique factors used in determining such results. The name of the individual performing the measurements and the date the measurements were performed shall be included in the results.

AGENCY NOTE: The resolution and efficiency of the fluoroscopic imaging system should be evaluated periodically, whenever deterioration in the imaging system is suspected and when the measured exposure rate exceeds the standards of this Section.

h) Barrier Transmitted Radiation Rate Limits

1) The exposure rate due to transmission through the primary protective barrier shall not exceed 0.516 microC/kg (2mR) per hour at 10 centimeters from any accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor per 258 microC/kg (1R) per minute of entrance exposure rate.

2) Measuring Compliance of Barrier Transmission

A) The exposure rate due to transmission through the primary protective barrier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

B) If the source is below the tabletop, the exposure rate shall be determined with the input surface of the fluoroscopic

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

imaging assembly positioned 30 centimeters above the tabletop.

C) If the source is above the tabletop and the SID is variable, the exposure rate shall be determined with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters.

D) Movable grids and compression devices shall be removed from the useful beam during the measurement.

E) An attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

i) Staff and Ancillary Personnel Protection. The operator, assistants and observers allowed in the examining room shall be protected from scatter radiation by protective aprons of not less than 0.25 millimeter lead equivalent or whole body protective barriers or shall be positioned at a sufficient distance to ensure that the individual does not receive a radiation dose in excess of the limits specified in 32 Ill. Adm. Code 340.310.

j) Control of Scattered Radiation

1) For fluoroscopic systems utilizing an x-ray tube that is mounted below the table, the table shall be provided with shielding (bucky slot cover) equivalent to 0.25 millimeter lead equivalent to attenuate scattered radiation emanating from below the table.

2) A shield of at least 0.25 millimeter lead equivalent, such as overlapping protective drapes or hinged or sliding panels, shall be provided and used to intercept scatter radiation which would otherwise reach the operator and others near the machine. This shielding shall not be a substitute for the wearing of a protective apron (0.25 millimeter lead equivalent) for protection against scattered radiation.

3) Where sterile fields or special procedures prohibit the use of protective barriers or drapes, subsection (j)(2) of this Section **above** shall not apply.

k) Additional Requirements for Stationary Fluoroscopic Systems Used for Cardiac Catheterization Procedures

1) Protective barriers shall be available for use by individuals whose presence is required in the room during activation of the x-ray tube(s). If a protective barrier includes or consists of a transparent viewing panel, the viewing panel shall afford protection of not less than 0.5 millimeter of lead equivalent.

2) Protective aprons of not less than 0.25 millimeter of lead equivalent shall be worn in the fluoroscopy room by all individuals (except the patient).

AGENCY NOTE: Because modern equipment allows great flexibility in the direction of the beam, individuals in the room should step back from the x-ray system and behind protective barriers during

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

activation of the x-ray tube(s).

- 1) Additional Requirements for Fluoroscopic Systems Specifically Designed for Examination of Extremities Only

1) The radiation safety procedures required pursuant to Section 360.30(j) of this Part shall include the following:

A) A warning concerning the potential for, and the hazards of, increased patient radiation dose associated with x-ray systems employing short source-skin distances;

B) Procedures for obtaining imaging magnification with minimum patient dose, including imaging systems or screen-film combinations;

C) Technique factors for specific examinations for which the system is designed;

D) Radiation exposure data, including skin entrance exposure for each set of technique factors used.

2) The x-ray system shall be clearly labeled as follows: "For Examination of Extremities Only."

3) The source-skin distance shall be limited as specified in subsection (d) of this Section above.

4) Fluoroscopic systems specifically designed for examination of extremities only shall be used solely for examination of extremities.

m) Radiation Therapy Simulation Systems. Radiation therapy simulation systems shall be exempt from the requirements of subsections (a), (b), (c), (g) and (h) of this Section above provided that:

1) Such systems are designed and used in such a manner that no individual other than the patient is in the x-ray room during periods of time when the system is producing x-rays; and

2) Such systems that do not meet the requirements of subsection (b) of this Section above are provided with a means of indicating the cumulative time that an individual patient has been exposed to x-rays. Procedures shall require in such cases that the timer be reset between examinations.

n) Operator Restrictions. No person shall intentionally administer radiation to a human being with a fluoroscopic radiation machine unless such person is licensed to practice a treatment of human ailments under the Medical Practice Act of 1987, the Illinois Dental Practice Act or the Podiatric Medical Practice Act of 1987, except:

1) An accredited medical radiographer may operate a fluoroscope for static functions when interpretation of the results is not required and only under the direct supervision of a licensed practitioner who is within visual contact; or

2) An accredited medical radiographer or radiation therapist may operate a fluoroscope for radiation therapy simulation procedures under the direct supervision of a licensed practitioner.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360.60 Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems

In addition to the provisions of Sections 360.10, 360.30, 360.40 and 360.41 of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used in the healing arts of medicine, chiropractic and podiatry. It does not apply to fluoroscopic, dental, veterinary or computed tomography systems.

a) Beam Limitation. The useful beam shall be limited to the area of clinical interest.

1) Stationary General Purpose and Mobile/Portable X-Ray Systems

A) Variable X-Ray Field Limitation. An adjustable collimator shall be provided with means for independent stepless adjustment of the size of the x-ray field.

B) Visual Indication of Field Size. Means shall be provided for visually defining the perimeter of the x-ray field. The total misalignment of the edges of the visually defined field, with respect to the edges of the x-ray field, along either the length or the width of the visually defined field, shall not exceed two percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the x-ray beam.

AGENCY NOTE: When a light localizer is used to define the x-ray field, it should provide an average illumination of not less than 100 lux (9 footcandles) at 100 centimeters or at the maximum SID, whichever is less.

2) Additional Requirements for Stationary General Purpose X-Ray Systems. In addition to the requirements of subsection (1) above, all stationary general purpose x-ray systems shall meet the following requirements:

A) The beam-limiting device shall numerically indicate the x-ray field size in the plane of the image receptor to which it is adjusted.

B) The x-ray field dimensions shall be specified in centimeters and/or inches and shall be such that aperture adjustments result in x-ray field dimensions in the plane of the image receptor that do not differ from the numerical indicated dimensions by more than plus or minus two percent of the SID when the beam axis is perpendicular to the plane of the image receptor.

C) The beam-limiting device shall be provided with GIB scales that reflect the actual GIB(s) used for radiographic procedures.

B) GIB indication

†) Means shall be provided to indicate the GIB.

††) SIBs shall be indicated in centimeters and/or inches and the measured GIB shall correspond to the indicated

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

value-to-within-two-percent.
 B) X-Ray Field/Image Receptor Alignment: Means shall be provided to:
 i) Indicate when the axis of the x-ray field is perpendicular to the plane of the image receptor; and
 ii) Align the center of the x-ray field with respect to the center of the image receptor to within two percent of the SID.

2) Special Purpose X-Ray Systems

A) SID Indication
 i) Means shall be provided to indicate the SID.
 ii) SIDs shall be indicated in centimeters and/or inches and the measured SID shall correspond to the indicated value to within two percent.

A) Means shall be provided to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

E) Means shall be provided to align the center of the x-ray field with the center of the image receptor to within two percent of the SID.

B) The requirements of subsection (a)(2)(A) of this Section above may be met:

- i) With a system that meets the requirements specified in subsection (a)(1) of this Section; or
- ii) With an assortment of removable, fixed aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used, with each such device having permanent, clearly legible markings, in centimeters and/or inches, to indicate the image receptor size and SID for which it is designed; or
- iii) With a beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used. Permanent, clearly legible markings, in centimeters and/or inches, shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

C) Exemptions

- i) Radiation Therapy Simulation Systems. Radiation therapy simulation systems shall be exempt from the beam limitation requirements of subsection (a)(2)(A) of this Section.
- ii) Mammography Systems. Mammography systems shall be

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

exempt from the requirements of subsection (a)(2)(B) of this Section.

4) X-Ray Systems Designed for One-Image-Receptor-Size Radiographic Equipment: Means shall be provided to limit the x-ray field at the SID to the image receptor to dimensions no greater than those of the image receptor and to align the center of the x-ray field with the center of the image receptor to within two percent of the SID or shall be provided with means to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

b) Radiation Exposure Control Devices

1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

2) X-Ray Control

A) An x-ray control shall be incorporated into each x-ray system such that an exposure can be terminated by the operator at any time except for:

- i) Exposures of 0.5 second or less; or
- ii) During serial radiography when means shall be provided to permit completion of any single exposure of the series in process.

B) The exposure switch shall be a dead-man switch.

3) Automatic Exposure Controls (AEC). Systems which are provided with automatic exposure control devices shall incorporate a back-up timer to terminate the radiation exposure in the event of AEC failure. In addition, they shall meet the following requirements:

- A) Indication shall be made on the control panel when this mode of operation is selected; and
- B) A visible signal shall indicate when an exposure has been terminated by the back-up timer, and manual resetting shall be required before further automatically timed exposures can be made.
- c) Source-Skin Distance (SSD). All mobile or portable radiographic systems shall be provided with means to limit the SSD to 30 centimeters or greater.
- d) Linearity. For equipment that is operated at more than one x-ray tube current or current-time product setting, the average ratios of exposure (microcoulombs per kilogram or milliroentgens) to the indicated milliampere-seconds (mAs) product obtained at any two tube current or current-time product settings utilized shall not differ by more than 0.10 times their sum. This requirement is mathematically

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

represented by the following:

$$[\bar{X}[1] - \bar{X}[2]] \leq [0.10(\bar{X}[1] + \bar{X}[2])]$$

where $\bar{X}[1]$ and $\bar{X}[2]$ are the average microC/kg/mAs or mR/mAs values obtained at any two tube current or current-time product settings utilized. Compliance shall be determined at any fixed x-ray tube potential within the range of 40 percent to 100 percent of the maximum rated tube potential.

- e) Medical Radiographic Entrance Exposure Limits. The in-air exposure determined for the technique used for the specified average adult patient for routine medical radiography shall not exceed the entrance exposure limits shown below: (See Section 360.400 Appendix A of this Part for measurement protocol and calculation of exposure at skin entrance.)

Technique	Thickness (cm)	Exposure Limit (microC/kg)	(mR)
Chest (PA), Grid	23	9	35
Chest (PA), Non-Grid	23	8	30
Abdomen (KUB)	23	155	600
Lumbo-Sacral Spine (AP)	23	206	800
Cervical Spine (AP)	13	52	200
Skull (lateral)	15	65	250
Foot (D/P)	8	26	100

AGENCY NOTE: These exposures are maximums. With careful selection of technique factors, adjustment of film processing systems, and choice of film and screen-film combinations, patient exposures can be further reduced.

- f) SID Indication
- 1) Means shall be provided to indicate the SID.
 - 2) SIDs shall be indicated in centimeters and/or inches and the measured SID shall correspond to the indicated value to within two percent.
- g) X-Ray Field/Image Receptor Alignment. Means shall be provided to:
- 1) Indicate when the axis of the x-ray field is perpendicular to the plane of the image receptor; and
 - 2) Align the center of the x-ray field with respect to the center of the image receptor to within two percent of the SID.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.71 Additional Requirements for Facilities Performing Mammography

In addition to the provisions of Sections 360.10, 360.30, 360.40, 360.41, 360.60 of this Part and 32 Ill. Adm. Code 400 and 401, the requirements of this Section apply to mammography systems and associated facilities used for mammography.

- a) Physician Supervision. Mammography operations and procedures shall be under the supervision of a physician licensed under the Medical Practice Act of 1987 (4111-Rev--Stat--1991-CH-1117-Par-14400) [225 ILCS 60] to practice medicine in all of its branches.
- AGENCY NOTE: The individual interpreting clinical images of the breast should be a licensed practitioner of the healing arts trained in the imaging modality being used and should be certified in diagnostic radiology or eligible for certification by either the American Board of Radiology, in diagnostic radiology or general radiology, or the American Osteopathic Board of Radiology, or Royal College of Physicians and Surgeons of Canada. Facilities performing mammography are encouraged to seek accreditation by the American College of Radiology.
- b) Medical Radiographers Who Perform Mammography. Registrants shall assure that medical radiographers who perform mammography procedures have met the requirements for initial training and continuing education in mammography, as set forth in 32 Ill. Adm. Code 401.160 and 401.160 Appendix C.
- c) Mammography shall only be performed with a special purpose radiation machine specifically designed for and used solely for mammography procedures.
- d) Mammography systems shall be provided with compression devices parallel to the imaging plane to immobilize and compress the breast. Compression devices shall:
- 1) Be capable of maintaining a compression force of at least 11.3 kilograms (25 pounds) for at least 15 seconds; and
 - 2) Not be capable of exceeding a compression force of more than 18.1 kilograms (40 pounds) when used in an automatic or power drive mode.
- AGENCY NOTE: Mammography compression devices should be tested at regular intervals to ensure the compression force is adequate but not excessive and that the devices release properly according to the manufacturer's specifications.
- e) Half-Value Layer. Notwithstanding the requirements of Section 360.40(a) of this Part, the following requirements apply to mammography systems:
- 1) For mammography systems operating at x-ray tube potentials of less than 35 kVp, the half-value layer (HVL) in millimeters of aluminum of the useful beam shall be equal to or greater than the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

product of the tube potential in kilovolts multiplied by 0.01, plus 0.03 when measured with the compression paddle in the beam. Example: If the HVL is measured with the compression paddle in the beam, at a tube potential of 27 kVp, the minimum acceptable HVL is 0.30 0-27 millimeter of aluminum.

AGENCY NOTE: Prior to making HVL determinations, the kVp of the useful beam should be measured to verify the accuracy of the indicated kVp values. If a discrepancy exists between measured and indicated values, the measured value should be used for the calculation of minimum HVL (see also Section 360.40(f)(3) of this Part).

- 2) For non-screen-film applications, the half-value layer shall not be less than 1.0 millimeter of aluminum equivalent.
- 3) The half-value layer shall be measured with the compression device in the beam and shall be measured at the same tube potential used in Section 360.Appendix B of this Part, Mammography Dose Measurement Protocol and Section 360.Appendix C of this Part, Mammography Phantom Image Evaluation.

AGENCY NOTE: If the measured half-value layer is significantly greater than the specified minimum, image contrast will be reduced and overall image quality will be degraded. For screen-film mammography systems, it is recommended that the HVL not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum, as specified in the American College of Radiology: Mammography Quality Control for Medical Physicists, Revised Edition, 1994.

- f) Source-Image Receptor Distance. Mammography equipment shall not be operated at any source-image receptor distance less than 50 centimeters.
 - g) Focal Spot Size. The nominal focal spot size, as specified by the x-ray tube manufacturer, shall not exceed 0.6 millimeter.
 - h) Mammography Exam Dose Limits. (See Section 360.Appendix B of this Part for the required measurement protocol.) The mean glandular dose for one craniocaudal view of a 4.24-5 - centimeter compressed breast (50 percent adipose and 50 percent glandular) shall not exceed:
 - 1) 1mGy(100 mrad) for screen-film radiographs not employing the use of grids,
 - 2) 3mGy(300 mrad) for screen-film radiographs employing the use of grids, or
 - 3) 4mGy(400 mrad) for xerography.
 - i) Mammography Exposure Rate. Mammography systems shall have sufficient x-ray output to complete the exposure required for the dose measurement of subsection (h) of this Section above within a time of 2.5 seconds or less.
- AGENCY NOTE: Mammographic x-ray systems should have means to indicate the milliamperes-seconds (mAs) resulting from each exposure made with automatic exposure control.
- j) Mammography Phantom Image Evaluation. Mammography equipment shall be

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

subjected' to a phantom image evaluation using the mammography phantom specified in subsection (j)(2) of this Section below.

- 1) A phantom image evaluation shall be performed annually as part of the inspection procedure required in 32 Ill. Adm. Code 410.50, using the mammography phantom image evaluation protocol found in Section 360.Appendix C of this Part.

- A) Phantom images produced during an inspection by a Departmental inspector shall be retained by the Department.
- B) Phantom images produced during an inspection by a qualified nondepartment qualified inspector shall be submitted to the Department at the time of submission of inspection reports.
- 2) The mammography phantom used for phantom image evaluation shall be composed of material that is equivalent to a nominal 4.24-5-centimeter compressed breast of average density (i.e., 50 percent adipose and 50 percent glandular tissue) and shall contain the following objects:
 - A) Spherical masses, composed of phenolic plastic, with thicknesses of: 2.00, 1.00, 0.75, 0.50 and 0.25 millimeter;
 - B) Specks, composed of aluminum oxide, with diameters of: 0.54, 0.40, 0.32, 0.24 and 0.16 millimeter;
 - C) Fibers, composed of nylon, with thicknesses of: 1.56, 1.12, 0.89, 0.75, 0.54 and 0.40 millimeter.

AGENCY NOTE: The Mammographic Accreditation Phantom Model 156, manufactured by Radiation Measurements, Inc., meets the above criteria and was chosen for use by the American College of Radiology's Mammography Accreditation Program.

- 3) Phantom images submitted to the Department shall be labeled with or include as an attachment the following information:
 - A) Name of the facility and machine reference number;
 - B) Technique factors used to produce the image;
 - C) Identification of the film processing equipment;
 - D) Date the image was produced; and
 - E) Name or inspector identification number of the individual performing the test.

- 4) The mammography system shall be capable of producing images of the mammography phantom in which the following objects are visualized:
 - A) The three largest masses with thicknesses of 2.0, 1.0 and 0.75 millimeter.
 - B) The three largest speck groups with diameters of 0.54, 0.40 and 0.32 millimeter.
 - C) The four largest fibers with thicknesses of 1.56, 1.12, 0.89 and 0.75 millimeter.

- 5) The Department shall evaluate the images produced during mammography phantom image evaluation and shall report the results of the evaluation to the facility.

AGENCY NOTE: The Department will evaluate mammography phantom images using procedures recommended by the American College of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Radiology in: American College of Radiology; Mammography Quality Control for Medical Physicists, Revised Edition, 1994 ~~Apr-11-1992~~.
 AGENCY NOTE: A copy of this report is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704. Copies of this report may also be obtained from the American College of Radiology, 1891 Preston White Drive, Reston, VA 22091.

k) Quality Assurance. A quality assurance (QA) program shall be established and maintained at each facility performing mammography procedures. The QA program shall include a performance evaluation of the mammographic x-ray machine and the film processor. Each facility shall have available for daily use the mammography phantom specified in subsection (j)(2) of this Section above, a densitometer and a sensitometer.

1) A diagnostic imaging specialist shall establish and provide administrative oversight over the quality assurance program.

2) The quality assurance program shall include but not be limited to the following:

A) A list of names and qualifications of individuals responsible for:

- i) Administration of the QA program;
- ii) Performance of QA tests; and
- iii) Repairing or servicing the x-ray equipment.

B) A QA protocol which includes the following:

- i) A description of the QA tests to be performed;
- ii) The frequency of each QA test;
- iii) Criteria of acceptability for each QA test; and
- iv) A description of actions to be taken if established criteria are not met.

3) Quality assurance testing shall include, but not be limited to, the following tests, which shall be performed at the prescribed frequency.

A) The film processor shall be subjected to a performance evaluation each day before the processing of clinical or phantom images. Evaluation shall include measurement of temperature and densitometer measurements of sensitometer-exposed film which has been processed in the film processor.

B) Mammography systems shall be tested for image quality each calendar month. Image quality testing shall be performed using the mammography phantom specified in subsection (j)(2) of this Section above and the mammography phantom image evaluation protocol found in Section 360. Appendix C of this Part. In addition, the following requirements apply to image quality testing:

- i) The individual identified in subsection (k)(1) of this Section above shall provide such training as is necessary to the individual assigned to perform

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

phantom image quality evaluation.
 ii) Image quality testing shall be repeated after any change in or replacement of components of the x-ray machine or film processor which may affect the image quality, as determined by the individual identified in subsection (k)(1) of this Section above.

iii) Each phantom image produced shall be labeled with the date, technique factors and equipment information if the facility contains more than one mammography machine.

iv) The registrant shall assure that the phantom image produced pursuant to this subsection meets the criteria of subsection (j)(4) of this Section above.

v) Mammography systems not capable of producing a phantom image meeting the criteria of subsection (j)(4) of this Section above shall not be used to image human patients until a phantom image has been produced meeting the criteria of subsection (j)(4) of this Section above.

4) Mobile mammography systems shall be tested using the mammography phantom image evaluation after each relocation and prior to use on patients or shall meet the following requirements:

A) A diagnostic imaging specialist shall establish a protocol for measurement of the radiation output of the mammography system, including the radiation measuring device to be used, procedures for performing the measurement and the anticipated result of the measurement.

B) Measurements shall be performed using the technique factors that were used for the most recent phantom image evaluation (see subsection (k)(3)(B) of this Section above). If a change is made in the technique factors used for the measurements required in this subsection, the image quality shall be tested using the mammography phantom image evaluation protocol found in Section 360. Appendix C of this Part.

AGENCY NOTE: If the phantom image evaluation is performed using a phototimer, the diagnostic imaging specialist may specify appropriate technique factors that approximate those used by the phototimer for the measurements required in this Section.

C) After each relocation of a mobile mammography system, measurements of the radiation output of the machine shall be performed according to the protocol established in subsection (k)(4)(A) of this Section above.

D) If the radiation output measurement of subsection (k)(4)(C) of this Section above exceeds plus or minus 15 percent of the value established by the diagnostic imaging specialist in subsection (k)(4)(A) of this Section above, the system

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

shall not be used to image human patients until the cause for the variation has been investigated and corrected.

- E) Records of radiation output measurements for mobile mammography systems shall be maintained at the location of the mammography system for a period of not less than one inspection cycle (see 32 Ill. Adm. Code 410.60(d)).

AGENCY NOTE: The Department recommends that mobile mammography systems be tested for image quality after each relocation and prior to use on patients, with the mammography phantom image evaluation protocol in Section 360. Appendix C of this Part.

- 5) A diagnostic imaging specialist shall conduct a review of the quality assurance program each year. Such review shall include evaluation of the results of quality assurance testing.

AGENCY NOTE: In addition to the quality assurance testing required in this Section, facilities performing mammography should establish a quality assurance program that provides for analysis of repeated mammography exams, testing of screen-film contact for all cassettes used to produce clinical images, testing of film fogging in the darkroom and measurement of the force applied by the compression device in both manual and power modes (if applicable).

1) Records

- 1) The registrant shall maintain and have available for review at the facility, records of quality assurance testing performed as required in subsection (k) of this Section above.

A) Records of film processor performance evaluation shall contain the date the test was performed, identification of the person performing the test and the results of the test including densitometry measurements.

B) Records of image quality testing shall include the mammography phantom image, labeled with the information required in subsection (k)(3) of this Section above and the results of the mammography phantom image evaluation including the number, type and size of phantom objects visualized.

C) The registrant shall maintain at the facility, for a period of at least one inspection cycle (see 32 Ill. Adm. Code 410.60(d)), the records specified in subsections (1)(1)(A) and (B) of this Section above.

- 2) Unless they are transferred directly to the patient or the patient's physician, mammography images or films shall be retained by the provider of the mammography service for a minimum of 60 months. Mammography images or films transferred to a patient's physician shall be retained by the physician for a minimum of 60 months. These retention periods are a minimum and shall not reduce any other medical record retention requirements established by statute or regulation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

AGENCY NOTE: The Department recommends that when a provider of the mammography service transfers mammography films or images to a patient's physician, the physician should be notified of the requirement to retain mammography images for 60 months.

- m) Additional Operator Requirements. Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each mammography patient that the patient is provided with a pamphlet which is orally reviewed with the patient and which contains the following:

- 1) how to perform breast self-examination;
- 2) that early detection of breast cancer is maximized through a combined approach, using monthly breast self-examination, a thorough physical examination by a physician and mammography performed at recommended intervals;
- 3) that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective;
- 4) that if the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received information regarding public health services where she can obtain a breast examination and instructions. [420 ILCS 40/5(c)]

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.75 Computed Tomography (CT) Systems

a) Requirements for Equipment

1) Termination of Exposure

A) In the event of equipment failure affecting data collection, means shall be provided to terminate the x-ray exposure automatically, either by de-energizing the x-ray source or by shuttering the x-ray beam, through the use of either a back-up timer or devices which monitor equipment function.

B) A visible signal shall indicate when the x-ray exposure has been terminated through the means required by subsection (a)(1)(A) of this Section above.

C) The operator shall be able to terminate the x-ray exposure at any time during a scan, or series of scans, of greater than 0.5 second duration.

2) Tomographic Plane Indication and Alignment

A) Means shall be provided to permit visual determination of the location of a reference plane. This reference plane can be offset from the location of the tomographic planes.

B) If a device using a light source is used to satisfy subsection (a)(2)(A) of this Section above, the light source shall provide illumination levels sufficient to permit

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

visual determination of the location of the tomographic plane or reference plane under ambient light conditions of up to 500 lux (45 footcandles).

- C) The total error in the indicated location of the tomographic plane or reference plane shall not exceed 5 millimeters.

- D) The deviation of indicated scan increment versus actual increment shall not exceed plus or minus 1 millimeter with a typical patient mass resting on the patient support device. The patient support device shall be moved incrementally from a typical starting position to the maximum incremental distance or 30 centimeters, whichever is less, and then returned to the starting position. If the CT system has the capability of variable gantry angles, the compliance measurements shall be performed with the CT gantry positioned at zero degrees.

- 3) Beam-On and Shutter Status Indicators. The CT x-ray control panel and gantry shall provide visual indication whenever x-rays are produced and, if applicable, whether the shutter is open or closed.

- 4) Technique Indicators. The CT x-ray control panel shall provide visual indication of the technique factors, tomographic section thickness and scan increment prior to the initiation of a scan or a series of scans.

b) Facility Design Requirements

- 1) The control panel shall be located behind a protective barrier.

- 2) Communication. Provision shall be made for two-way aural communication between the patient and the operator at the control panel.

- 3) Viewing Systems. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

- c) Radiation dose measurements shall be performed by a diagnostic imaging specialist on each CT x-ray system. Such measurements shall be specified in terms of the multiple scan average dose (MSAD), using a head phantom and the facility's technique factors most frequently used for a CT examination of the head and shall be performed:

- 1) At the time of the inspection required pursuant to 32 Ill. Adm. Code 410 and at intervals specified by a diagnostic imaging specialist and after any change or replacement of components which, in the opinion of the diagnostic imaging specialist, could cause a change in the radiation output;

- 2) With a dosimetry system that has been calibrated within the preceding 12 months. The calibration of such system shall have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology; and

- 3) Using the computed tomography dose measurement protocol found in

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360, Appendix D of this Part.

AGENCY NOTE: The Department recognizes that other phantoms and protocols are available to provide accurate dose measurements as specified in this Section. The Department will consider use of such phantoms and protocols as satisfying this Section if the intent of the regulation is met.

- d) Quality assurance procedures shall be conducted on each CT system and shall meet the following requirements:

- 1) The quality assurance procedures shall be in writing and shall have been developed by a diagnostic imaging specialist. Such procedures shall include, but need not be limited to, the following:

- A) Specifications of the tests that are to be performed, including instructions to be employed in the performance of those tests; and

- B) Specifications of the frequency at which tests are to be performed, the acceptable tolerance for each parameter measured and actions to be taken if tolerances are exceeded.

- 2) Quality assurance procedures shall include acquisition of images using a CT phantom which has the capability of providing an indication of the resolution capability of the system.

AGENCY NOTE: The CT phantom used for quality assurance procedures should have the capability of providing an indication of contrast scale, noise, nominal tomographic section thickness, resolution capability of the system for low and high contrast objects and relative densities (CT numbers) for water or other reference material.

- e) The registrant shall maintain at the facility written records of the radiation dose measurements and quality assurance testing performed, as required in subsections (c) and (d) of this Section above, for inspection by the Department for a period of at least one inspection cycle (see 32 Ill. Adm. Code 410.60(d)). Such records shall include, but need not be limited to, the following:

- 1) The date of the test and identification of the person performing the test;

- 2) Identification of the type of testing that was performed; and

- 3) Notation of whether the results of the testing were within the parameters established by the diagnostic imaging specialist.
- AGENCY NOTE: The Department recommends that the registrant retain the results of quality assurance testing in the form of photographic copies of the images obtained from the image display device or images stored in digital form on a storage medium compatible with the CT x-ray system. Images retained to fulfill the requirements of this subsection should be labeled with the information required in subsections (e)(1) through (3) of this Section above.

- f) Operating Procedures. Information shall be available at the control panel regarding the operation of the system. Such information shall

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

include written quality assurance procedures, as required in subsection (d)(1) of this Section above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.90 Dental Radiographic Systems

In addition to the provisions of Sections 360.10, 360.30 and 360.40 of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used for dental radiography. Refer to Section 360.50 of this Part for requirements for dental fluoroscopic systems.

a) General Requirements

1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

2) X-Ray Control. An x-ray control shall be incorporated into each x-ray system such that an exposure can be terminated by the operator at any time except for exposures of 0.5 second or less.

3) Exposure Switch Arrangement. The exposure switch shall be a dead-man switch and shall be arranged so that the operator can be behind a protective barrier or at least 1.83 meters (6 feet) from the patient and the tube housing during an exposure.

b) Additional Requirements for Dental Intraoral Systems

1) Source-Skin Distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit the SSD to not less than:

A) 18 centimeters if operable above 50 kVp; or

B) 10 centimeters if operable at 50 kVp and below.

2) Beam Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the x-ray beam such that the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than 7 centimeters.

3) Dental Radiographic Exposure Limits (Single Film). The entrance exposure to an adult patient for a routine intraoral bitewing exam shall not exceed the limit specified for the kVp used in the table below. Exposures are specified as free-in-air exposures without backscatter.

Tube Potential (kVp)	"D" Speed Film (microC/kg) (mR)	"E" Speed Film (microC/kg) (mR)
50	142	550
55	134	520
		72
		65
		280
		250

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

60	121	470	220
65	107	415	190
70	93	360	165
75	80	310	140
80	67	260	115
85	61	235	105
90	54	210	95
95	50	195	85
100	46	180	70

Linear extrapolation or interpolation shall be used for an x-ray tube potential (kVp) not listed in the table.

AGENCY NOTE: The exposures specified in the above table were empirically determined by a panel of dentists in a U.S. FDA study.

4) The kVp shall be measured at the time the entrance exposure is determined pursuant to subsection (b)(3) of this Section above to determine the correct exposure limit to be applied.

c) Beam Limitation Requirements for Dental Extraoral Systems

1) Dental rotational panoramic systems shall be provided with means to limit the x-ray beam to the imaging slit in the transverse axis and shall not exceed a total of 13 millimeters (0.5 inch) larger than the imaging slit in the vertical axis.

2) All other dental extraoral radiographic systems (e.g., cephalometric) shall be provided with means to both size and align the x-ray field so that it does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor extend-beyond-any-edge-of-the--image--receptor--by more-than-two-percent-of-the-SID.

d) Additional Requirements for Dental Radiography

1) Patient and film holding devices shall be used when the techniques permit;

2) The tube housing and the position indicating device shall not be hand-held during an exposure;

3) The x-ray system shall be operated in such a manner that the useful beam at the patient's skin does not exceed the criteria specified in subsection (b)(2) of this Section above;

4) Personnel Protection. The operator shall be behind a protective barrier or be provided with a protective apron of not less than 0.25 millimeter lead equivalent, or at least 1.83 meters (6 feet) from the patient and the tube housing during an exposure. Individuals whose presence is required in the room during an x-ray examination shall be protected from leakage and scatter radiation by protective aprons of not less than 0.25 millimeter lead equivalent or a protective barrier or shall be positioned at a sufficient distance to ensure that the individual does not receive a radiation dose in excess of the limits specified in 32

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Ill. Adm. Code 340.310.

AGENCY NOTE: Strict adherence to radiation protection practices should minimize occupational dose and may eliminate the need for individual monitoring. The requirements for individual monitoring are specified in 32 Ill. Adm. Code 340.520.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.100 Veterinary Radiographic Systems

In addition to the provisions of Sections 360.10, 360.30 and 360.40 (except Section 360.40(a)) of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used for radiography with veterinary systems.

a) Beam Limitation. The useful beam shall be limited to the area of clinical interest. The size of the image receptor used for each radiographic projection shall be consistent with the objectives of the examination.

1) Limitation Criteria. Means shall be provided to limit the x-ray field in the plane of the image receptor so that the field does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

2) Means shall be provided to align the center of the x-ray field with the center of the image receptor to within two percent of the SID.

3) The requirements of subsection (a)(1) of this Section above may be met with:

A) An adjustable collimator with a field defining light-meeting-the-requirements-specified-in-Section--360-60(a)(1) or

B) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used, with each such device having permanent, clearly legible markings in centimeters and/or inches, to indicate the image receptor size and SID for which it is designed; or

C) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used. Permanent, clearly legible markings, in centimeters and/or inches, shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

4) SID Indication

A) Means shall be provided to indicate the SID.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

B) SIDs shall be indicated in centimeters and/or inches and the measured SID shall correspond to the indicated value to within two percent.

b) Exposure Switch Arrangement. The exposure control switch shall be arranged so the operator can be at least 1.83 meters (6 feet) from the animal, the x-ray tube and the useful beam.

c) Radiation Exposure Control Devices

1) Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

2) The exposure switch shall be a dead-man switch.

d) Veterinary fluoroscopic, computed tomography and therapy systems shall meet the requirements specified in Sections 360.50, 360.75, 360.110 and 360.120 of this Part, except that the requirements pertaining to aural communication specified in Sections 360.75(b)(2), 360.110(a)(8) and (e)(5) and 360.120(a)(6) and (g)(1)(H) of this Part, need not be satisfied unless a human is used to hold the animal.

e) Additional Requirements for Veterinary X-Ray Systems

1) All individuals whose presence is required during an x-ray examination shall be protected from scatter radiation by protective aprons or gowns of not less than 0.25 millimeter lead equivalent or whole body protective barriers.

2) All exams and retakes shall be ordered by the veterinarian.

3) Unless required to restrain an animal, the operator shall stand at least 1.83 meters (6 feet) away from the useful beam and the animal during radiographic exposures.

4) No individual, other than the operator, shall be in the x-ray room or area while exposures are being made unless such individual's assistance is required.

5) When an animal must be held in position during radiography, mechanical supporting or restraining devices shall be used when technique permits.

6) When a person is required to hold an animal during a radiographic procedure, the individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and the person shall be so positioned that no part of his/her body except hands and arms will be struck by the useful beam.

AGENCY NOTE: Veterinarians should review 32 Ill. Adm. Code 340.520 to determine if individuals who hold animals will need to use individual monitoring devices.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.110 Therapy Systems Operating Below 1 Mev

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

In addition to the provisions of Sections 360.10 through 360.30 of this Part, the requirements of this Section apply to x-ray therapy systems and associated facilities operating at energies less than 1 Mev.

a) Facility Design

1) A therapeutic radiological physicist shall be consulted in the design of an x-ray therapy installation.

2) Shielding requirements

A) Each x-ray therapy installation shall be provided with such primary and secondary barriers as are necessary to assure compliance with 32 Ill. Adm. Code 340.

B) For all x-ray therapy systems capable of operating above 150 kVp installed after October 15, 1993, facility design information shall be submitted to the Department for review prior to installation of the x-ray therapy system. Information submitted to the Department shall include, but need not be limited to, the following:

- i) Name and address of the planned installation.
- ii) Name, address and telephone number of the therapeutic radiological physicist who was consulted in the design of the installation.
- iii) A scale drawing that includes the location of the therapy system, control panel and doors to the room.
- iv) The structural composition and thickness of all walls, doors, partitions, floor and ceiling of the installation.
- v) The occupancy of areas adjacent to the installation.
- vi) Calculations that demonstrate the adequacy of the amount of shielding specified for each primary and secondary protective barrier.
- vii) Projected weekly dose rates in areas adjacent to the installation.

3) Interlock. X-ray therapy systems operating at greater than 150 kVp shall have an interlock installed on each door of the therapy room. The interlock shall be wired into the electrical circuit in such a manner that when the door is opened, for any reason, the generation of x-rays will automatically be terminated and irradiation can be resumed only by manually resetting the controls on the control panel after the door is closed.

4) Doors. The doors to the therapy room shall be designed and installed to allow opening from the inside at all times and shall be capable of being opened manually.

5) Warning Lights. X-ray therapy systems operating above 150 kVp, and all therapy rooms to which access is possible through more than one entrance shall be provided with warning lights in a readily observable position near the outside of all access doors. The warning lights shall indicate when the useful beam is on. The operator and control position

6) Operator and control position

A) X-ray Therapy Systems Operating at 150 kVp and Below. The

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

control panel and operator shall be located either outside the therapy room or behind a protective barrier within the room.

B) X-ray Therapy Systems Operating Above 150 kVp. The control panel and operator shall be located outside the therapy room.

7) Viewing System. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous visual observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

AGENCY NOTE: When the primary viewing system is electronic, a back-up system should be available for use in the event of failure of the primary system in order to ensure compliance with the requirements of subsection (e)(5) of this Section below.

8) Communication. The facility design shall permit two-way aural communications between the patient and the operator at the control panel.

9) Signs required by 32 Ill. Adm. Code 340.920 shall be posted in the facility.

b) Equipment Requirements

1) Leakage Radiation. When the tube is operated at its maximum rated continuous current for the maximum rated tube potential, the leakage radiation shall not exceed the value specified in the table below at the distance specified in the table for the classification of that x-ray system. Radiation measurements shall be averaged over an area up to, but not exceeding, 100 square centimeters.

X-Ray System	Leakage Limit	Measurement Location
Contact Therapy	25.8 microC/kg (0.1 R) per hour	5 centimeters from the tube housing
0 - 499 kVp	258 microC/kg (1 R) per hour	1 meter from the source
500 kVp - 999 kVp	0.1 percent of useful beam or 258 microC/kg (1 R) per hour, whichever is greater	1 meter from the source

2) Beam-Limiting Devices

A) Permanent fixed diaphragms or cones used for limiting the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

useful beam shall provide the same or a higher degree of protection as required for the tube housing assembly.

- B) Removable beam-limiting devices shall, for the portion of the useful beam to be blocked by these devices, transmit not more than one percent of the useful beam at the maximum kilovoltage and maximum treatment filter. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

- C) Adjustable beam-limiting devices installed after October 15, 1993 shall meet the requirements of subsection (b)(2)(B) of this Section above.

- D) Adjustable beam-limiting devices installed on or before October 15, 1993 shall, for the portion of the x-ray beam to be blocked by these devices, transmit not more than five percent of the useful beam at the maximum kilovoltage and maximum treatment filter.

3) Filter System. The filter system shall be designed so that:

- A) The filters are securely positioned and will not become dislodged when the machine is positioned at any possible orientation;
- B) The radiation dose at one meter from the filter insertion slot opening does not exceed 258 mC/kg (1 R) per hour when the machine is operated at its maximum current and maximum tube potential;
- C) Each filter is labeled with its composition and thickness (for wedge filters, the wedge angle and maximum design field size shall appear on the wedge or wedge tray);
- D) If the x-ray therapy system uses changeable filters, there is a filter indication system which permits recognition of any added filter in place and indicates from the control panel the presence of a particular filter or absence of any filter; and
- E) For x-ray therapy systems installed after October 15, 1993, an interlock prevents irradiation if the selected filter is not installed.
- 4) Tube/Aperture Alignment. The x-ray tube shall be mounted so that it cannot turn or slide with respect to the housing aperture.
- 5) Tube Housing Stability. The tube housing shall remain stable during treatment unless tube housing movement is a designed function of the system.
- 6) Source-Skin Distance (SSD) Indication
- A) Means shall be provided to indicate the SSD.
- B) The SSD shall be indicated in centimeters and/or inches and the measured SSD shall correspond to the indicated value to within 0.5 percent.
- 7) Timer. A timer, which has a display at the control panel, shall be provided and shall meet the following requirements:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- A) The timer shall be activated with the production of radiation;
- B) For systems equipped with a shutter mechanism to control irradiation, the timer shall be activated when the shutter is opened;
- C) The timer shall terminate irradiation when a preselected time has elapsed;
- D) The timer shall permit presetting and determination of exposure times at least as short as 1 second; and
- E) The timer shall not permit an exposure if the operator has not selected a time for the exposure.

AGENCY NOTE: The control panel should be equipped with a count-up timer to serve as a back-up to the control timer.

8) Control Panel Functions. The control panel, in addition to the displays required in other provisions of this Section, shall have:

- A) An indication of whether x-rays are being produced;
- B) A means for indicating x-ray tube potential and current; and
- C) A means for terminating an exposure at any time.
- 9) Shutters. Equipment that is provided with shutters shall meet the following requirements:

- A) The shutters shall have a lead equivalency not less than that of the tube housing assembly;
- B) The shutter shall be controlled electrically by the operator at the control panel; and
- C) An indication of shutter position shall appear at the control panel.

- 10) Multiple Tubes. Control panels capable of energizing more than one x-ray tube shall meet the following requirements:

- A) It shall be possible to energize only one x-ray tube at any time;
- B) There shall be an indication at the control panel identifying which x-ray tube is energized; and
- C) There shall be an indication at the tube housing assembly when that tube is energized.

- 11) Low-Filtration X-Ray Tubes. Each x-ray therapy system equipped with a beryllium window shall be clearly labeled as such upon the tube housing assembly and at the control panel.

- c) Radiation Protection Survey. A radiation protection survey shall be performed by a therapeutic radiological physicist on each x-ray therapy system. The registrant shall maintain at the facility a copy of the most recent radiation protection survey report for review by the Department. Radiation protection surveys shall meet the following additional requirements:

- 1) X-ray therapy systems installed after October 15, 1993 shall have a radiation protection survey performed by a physicist before the therapy system is first used for irradiation of a patient.
- 2) For all x-ray therapy systems, a radiation protection survey

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

shall be performed by a physicist after any change in the x-ray therapy system or facility that might produce a radiation hazard. Such survey shall be performed before the therapy system is used to treat patients.

- 3) Survey reports shall include, but need not be limited to, the following:

- A) A diagram of the facility which details building structures and the position of the control panel, x-ray therapy system and associated equipment;
- B) A description of the x-ray therapy system including the manufacturer, model number and range of kilovolt potential;
- C) A description of the instrumentation used to determine radiation measurements, including the date and source of the most recent calibration for each instrument used;
- D) Conditions under which radiation measurements were taken; and

- E) Survey data including:

- i) Projected weekly dose equivalent in areas adjacent to the therapy room; and
- ii) A description of workload, use and occupancy factors employed in determining the projected weekly dose equivalent.

- 4) The registrant shall retain a copy of the radiation protection survey report and a copy of the report shall be provided to the Department within 30 days after completion of the survey.

- 5) Any deficiencies detected during the radiation protection survey that would constitute or result in a violation of 32 Ill. Adm. Code 340 shall be corrected prior to using the machine for treatment of patients.

- 6) The facility shall be operated in compliance with any limitations indicated by the therapeutic radiological physicist as a result of the radiation protection survey required by the Department.

- d) Calibrations and Quality Assurance Checks.

- 1) Each x-ray therapy system installed after October 15, 1993 shall be calibrated by a therapeutic radiological physicist before the therapy system is first used for irradiation of a patient. The calibration of the x-ray therapy system shall include, but need not be limited to, determination of the following:

- A) The radiation output, expressed as exposure rate in air or dose rate in tissue, as a function of distance, field size, x-ray tube potential and current, filters and treatment applicators used;
- B) The half-value layer for each kilovoltage setting and filter combination used;
- C) The degree of congruence between the radiation field and the field indicated by each beam-limiting device; and
- D) An evaluation of the uniformity of the radiation field.

- 2) Quality assurance checks shall be made by a therapeutic

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

radiological physicist at intervals not to exceed 1 year. Quality assurance checks shall include, but need not be limited to, determination of the following:

- A) The radiation output for a set of operating conditions specified by the therapeutic radiological physicist;
- B) The coincidence of the radiation field and the field indicated by the beam-limiting device, except for systems equipped with fixed diaphragms or cones; and
- C) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall determine corrective actions to be implemented if the criteria are exceeded.

AGENCY NOTE: Quality assurance checks should be performed at a frequency which is appropriate for the particular therapy system, as determined by the therapeutic radiological physicist and based on the history of stability of the radiation output of the machine. A suggested frequency is one that would result in a quality assurance check being performed at least once during a typical patient's course of treatment.

- 3) Whenever service or maintenance is performed on the therapy system, a therapeutic radiological physicist shall be notified and shall determine whether a calibration or quality assurance check is necessary to verify the characteristics of the beam.

- 4) Measurements of the radiation output of the x-ray therapy system shall be performed using a dosimetry system that has been calibrated by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). Calibration of the dosimetry system shall have been performed using a radiation beam of comparable half-value layer to the x-ray system to be calibrated. The dosimetry system shall meet one of the two conditions below:

- A) The calibration of the dosimetry system shall have been performed within the previous 2 years and after any servicing that may have affected the calibration of the dosimetry system; or

- B) The dosimetry system shall have been calibrated within the previous 4 years and shall have been subjected to a protocol which provides for checks of dosimetry constancy and provides for corrective action when results deviate by more than two percent from the expected values.

- 5) The registrant shall maintain at the facility records of machine calibrations, quality assurance checks and instrument calibrations for inspection by the Department for a period of 5 years. Records to be maintained by the registrant shall include, but need not be limited to, the following:

- A) Records of machine calibrations and quality assurance checks shall include identification of the x-ray therapy system,

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

radiation measurements, the date the measurements were performed and the signature of the therapeutic radiological physicist who performed the measurements.

- B) Instrument calibration records shall include the date of the last calibration and identity of the calibration laboratory. If a dosimetry system has been subjected to a protocol as described in subsection (d)(4)(B) of this Section above, records shall be maintained that show the date and results of each constancy check performed on the system.

e) Operating Procedures

- 1) No x-ray therapy system shall be left unattended unless the system is secured against unauthorized use.
- 2) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used.
- 3) Other than the patient, no individual shall be in the therapy room unless such individual is protected by a barrier sufficient to meet the requirements of 32 Ill. Adm. Code 340.
- 4) Other than the patient, no individual shall be in the therapy room during exposures from x-ray therapy systems operating above 150 kVp.
- 5) The x-ray therapy system shall not be used for treatment of patients unless the operator can maintain visual observation of the patient and audible communication with the patient.
- 6) On contact therapy systems, a shield of at least 0.5 millimeter lead equivalency at 100 kVp shall be positioned over the entire useful beam exit port during periods when the tube is energized and the beam is not being used.
- 7) The tube housing assembly shall not be held by hand during operating unless the x-ray therapy system is designed to require such holding and the peak tube potential of the system does not exceed 50 kilovolts. In such cases, the person holding the tube shall wear protective gloves and apron of not less than 0.5 millimeter lead equivalency at 100 kVp.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 360.120 Therapy Systems Operating at 1 Mev or Greater

In addition to the provisions of Sections 360.10 through 360.30 of this Part, the requirements of this Section apply to particle accelerator systems operating at energies of 1 Mev or greater. Accelerator systems capable of producing radioactive materials in excess of the exempt quantities specified in 32 Ill. Adm. Code 330. Appendix B shall also be licensed pursuant to the provision of 32 Ill. Adm. Code 330.

a) Facility Design

- 1) The registrant shall consult a therapeutic radiological physicist in the design of a particle accelerator installation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

2) Shielding Requirements

- A) Each accelerator installation shall be provided with such primary and secondary barriers as are necessary to assure compliance with 32 Ill. Adm. Code 340.
- B) Facility design information for all accelerators installed after October 15, 1993 shall be submitted to the Department for review prior to installation. Information submitted to the Department shall include, but need not be limited to, the following:
 - i) Name and address of the planned installation;
 - ii) Name, address and telephone number of the therapeutic radiological physicist who was consulted in the design of the installation;
 - iii) A scale drawing that includes the location of the accelerator, control panel and doors to the room;
 - iv) The structural composition and thickness of all walls, doors, partitions, floor and ceiling of the installation;
 - v) The occupancy of areas adjacent to the installation;
 - vi) Calculations that demonstrate the adequacy of the amount of shielding specified for each primary and secondary protective barrier; and
 - vii) Projected weekly dose rates in areas adjacent to the installation.

3) Interlock. An interlock shall be installed on each door of the therapy room. The interlock shall be wired into the electrical circuit in such a manner that when the door is opened for any reason, the generation of radiation beams will automatically be terminated and irradiation can be resumed only by manually resetting the controls on the control panel after the door is closed.

4) Warning lights that indicate when the beam is on shall be provided in a readily observable position near the outside of all access doors to the therapy room.

5) Viewing System. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous visual observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.

AGENCY NOTE: When the primary viewing system is electronic, a back-up system should be available for use in the event of failure of the primary system in order to ensure compliance with the requirements of subsection (g)(1)(H) of this Section below.

6) The facility design shall permit two-way aural communications between the patient and the operator at the control panel.

7) Signs required by 32 Ill. Adm. Code 340.920 shall be posted in the facility.

8) The control panel shall be outside the therapy room.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

9) The facility design shall include emergency off buttons, at locations that allow shutting off the machine from inside the therapy room and at the control panel.

10) The doors to the therapy room shall be designed to allow opening from the inside at all times and shall be capable of being opened manually.

b) Equipment Requirements

1) Leakage radiation to the patient area shall be measured for each accelerator. Measurements shall be repeated following maintenance or service performed on the accelerator, as determined by a therapeutic radiological physicist.

A) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation, excluding neutrons, at any point in a circular plane of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size shall not exceed 0.1 percent of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Radiation measurements shall be averaged over an area up to but not exceeding 100 square centimeters.

B) Records of the most recent radiation leakage measurements and the machine parameters used during the survey shall be maintained at the facility for inspection by the Department.

2) Beam-Limiting Devices. Adjustable or interchangeable beam-limiting devices shall transmit no more than two percent of the useful beam at the normal treatment distance for the portion of the useful beam that is to be attenuated by the beam-limiting device. The neutron component of the useful beam shall not be subject to this requirement. This requirement does not apply to auxiliary blocks or materials placed in the useful beam to shape the useful beam to the individual patient.

3) Source-Skin Distance (SSD) Indication

A) Means shall be provided to indicate the SSD.

B) The SSD shall be indicated in centimeters and/or inches and the measured SSD shall correspond to the indicated value to within 0.5 percent.

4) Filters

A) Each filter that is removable from the system shall be clearly marked with an identification number. Documentation available at the control panel shall contain a description of the filter. For wedge filters, the wedge angle and maximum design field size shall appear on the wedge or wedge tray.

B) If the machine calibration measurements required by subsection (d) of this Section ~~below~~ relate exclusively to operation with an x-ray field flattening filter or electron

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

beam scattering filter in place, such filters shall be removable from the machine only by the use of tools.

C) Equipment utilizing a system of wedge filters, interchangeable field flattening filters or interchangeable beam scattering filters shall meet the following requirements:

i) The equipment shall have an interlock that prevents irradiation if any filter selection operation carried out in the therapy room is not consistent with the selection of filter, beam type or beam energy at the control panel; and

ii) The equipment shall have an interlock system that prevents irradiation if any selected filter is not in the correct position.

5) Beam Monitoring System. All accelerator systems shall be provided with a beam monitoring system in the radiation head capable of monitoring and terminating irradiation.

A) Each beam monitoring system shall have a display at the treatment control panel which shall register accumulated monitor units.

B) The beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected by the system.

C) Accelerator systems manufactured after October 15, 1993 shall be equipped with a primary and a secondary beam monitoring system. Each beam monitoring system shall be independently capable of monitoring and terminating irradiation.

D) For units with a secondary beam monitoring system, the primary beam monitoring system shall terminate irradiation when the preselected number of monitor units has been detected. The secondary beam monitoring system shall terminate irradiation if the primary system fails.

E) An interlock device shall prevent irradiation if any beam monitoring system is inoperable.

F) In the event of power failure, the display information required in subsection (b)(5)(A) of this Section ~~above~~, shall be retrievable in at least one system for 20 minutes.

6) Beam Symmetry. For equipment equipped with beam bending magnets, the symmetry of the radiation beam in two orthogonal directions shall be monitored before the beam passes through the beam-limiting device. The equipment shall provide means of terminating irradiation automatically if the difference in dose rate between one region and another region exceeds criteria specified by the manufacturer.

7) Control Panel

A) Selection and Display of Monitor Units

i) Irradiation shall not be possible until a selection of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

a number of monitor units has been made at the control panel.

- ii) The selected number of monitor units shall be displayed at the control panel until reset.
- iii) After completion of irradiation, it shall be necessary to reset the accumulated beam monitor units before treatment can be restarted.

B) Termination of Irradiation. It shall be possible to terminate irradiation and equipment movements at any time from the operator's position at the control panel.

C) Selection of Radiation Type. Equipment capable of both photon and electron therapy shall meet the following requirements:

- i) Irradiation shall not be possible until the radiation type has been selected and displayed at the control panel.
- ii) An interlock shall be provided to ensure that the machine will emit only the radiation type that has been selected.
- iii) An interlock shall be provided to prevent irradiation with x-rays, except to obtain port films, when electron applicators are installed.
- iv) An interlock shall be provided to prevent irradiation with electrons if accessories specific for x-ray therapy are installed.

D) Section of Radiation Energy. Equipment capable of producing radiation beams of different energies shall meet the following requirements:

- i) Irradiation shall not be possible until a selection of energy has been made at the control panel.
- ii) An interlock shall be provided to ensure that the machine will emit only the nominal energy of radiation that has been selected.
- iii) The nominal value of the energy selected shall be displayed at the treatment control panel.

E) Selection of Stationary or Moving Beam Therapy. Equipment capable of both stationary and moving beam therapy shall meet the following requirements:

- i) Irradiation shall not be possible unless either stationary therapy or moving beam therapy has been selected at the control panel. The selection of stationary therapy may be performed as a default selection if moving beam therapy is not selected.
- ii) An interlock shall be provided to ensure that the machine will operate only in the mode that has been selected.
- iii) An interlock shall be provided to terminate irradiation if the gantry fails to move properly

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

during moving beam therapy.

- iv) Means shall be provided to prevent movement of the gantry during stationary therapy.
- v) The mode of operation shall be displayed at the control panel.

F) Timers. A timer shall be provided with a display at the treatment control panel, as a back-up device to the beam monitoring system.

- i) The timer shall permit presetting and determination of exposure times.
- ii) The timer shall be a cumulative timer which activates with the production of radiation and retains its reading after irradiation is interrupted or terminated.
- iii) The timer shall terminate irradiation when a preselected time has elapsed if the beam monitoring system has not previously terminated irradiation. If set at zero, the timer shall not permit irradiation.

G) Security. The control panel shall be capable of being locked to prevent unauthorized use.

c) Radiation Protection Survey. A radiation protection survey shall be performed by a therapeutic radiological physicist on each accelerator. The registrant shall maintain at the facility a copy of the most recent radiation protection survey report for review by the Department. Radiation protection surveys shall meet the following additional requirements:

- 1) For each accelerator installed after October 15, 1993, a radiation protection survey shall be performed by a physicist before the system is first used for irradiation of a patient. The physicist who performs the radiation protection survey shall be a person who did not consult in the design of the accelerator installation (see subsection (a) of this Section above) and is not employed by or within any corporation or partnership with the person who consulted in the design of the installation.

- 2) A radiation protection survey shall be performed by a physicist after any change in the accelerator or facility that might produce a radiation hazard. Such survey shall be performed before the system is used to treat patients.

- 3) The survey report shall include, but need not be limited to, the following:

- A) A diagram of the facility which details building structures and the position of the control panel, accelerator and associated equipment;
- B) A description of the accelerator system including the manufacturer, model number, beam type and beam energy range;
- C) A description of the instrumentation used to determine radiation measurements, including the date and source of the most recent calibration for each instrument used;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- D) Conditions under which radiation measurements were taken;
- E) Survey data including:
- Projected weekly dose equivalent in areas adjacent to the therapy room; and
 - A description of workload, use and occupancy factors employed in determining the projected weekly dose equivalent.
- 4) The registrant shall retain a copy of the radiation protection survey report and a copy of the report shall be provided to the Department within 30 days after completion of the survey.
- 5) Any deficiencies detected during the radiation protection survey that would constitute or result in a violation of 32 Ill. Adm. Code 340 shall be corrected prior to using the machine for treatment of patients.
- 6) The facility shall be operated in compliance with any limitations indicated by the therapeutic radiological physicist as a result of the radiation protection survey.
- d) Machine Calibration. Calibration measurements shall be performed on each accelerator system by a therapeutic radiological physicist before the therapy system is first used for irradiation of a patient. Subsequent calibrations shall be performed at intervals not exceeding 1 year.
- Calibration measurements shall include, but need not be limited to, the following determinations:
 - Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, variation in the axes of rotation for the table, gantry and jaw system and the beam flatness and symmetry at the specified depth;
 - The absorbed dose rate at various depths in water for the range of field sizes used, for each beam type and energy;
 - The uniformity of the radiation field and any dependency upon the direction of the beam;
 - Verification that existing depth-dose data and isodose charts applicable to the specific machine continue to be valid or are updated to existing machine conditions; and
 - Verification of transmission factors for all accessories such as wedges, shadow trays and compensators, as applicable.
 - Calibration radiation measurements shall be performed using a dosimetry system that has been calibrated by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM), and meets the requirements of either subsection (d)(2)(A) or (B) of this Section below:
 - The calibration shall have been performed within the previous 2 years and after any servicing that may have affected calibration of the dosimetry system; or
 - The dosimetry system shall have been calibrated within the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- previous 4 years and shall have been:
- Compared at annual intervals following the calibration to a dosimetry system with calibration obtained within the previous 2 years from a calibration laboratory accredited by the AAPM, and the results of the comparison indicate the calibration factor has not changed by more than two percent; or
 - Subjected to a testing protocol that has been established by a therapeutic radiological physicist and that provides for checks of dosimetry constancy and provides for corrective action when results deviate more than two percent from the expected values.
- AGENCY NOTE: Redundancy is a basic tenet of radiation dosimetry, therefore the therapeutic radiological physicist should establish a program of inter-comparison and constancy testing of calibrated dosimetry instruments to assure, as much as possible, the accuracy, reliability and reproducibility of the measurements performed with those instruments.
- 3) Calibration of the radiation output of the accelerator shall be performed in accordance with:
- The protocol of Task Group 21, Radiation Therapy Committee, American Association of Physicists in Medicine (AAPM), entitled "A Protocol for the Determination of Absorbed Dose from High-Energy Photon and Electron Beams" published in Medical Physics, Volume 10, pages 741-771 (1983), exclusive of subsequent amendments or editions; or
 - The protocol of the Scientific Committee on Radiation Dosimetry of the AAPM, entitled "Protocol for the Dosimetry of X and Gamma Ray Beams with Maximum Energies Between 0.6 and 50 Mev", published in Physics, Medicine, and Biology, Volume 16, pages 379-396 (1971), exclusive of subsequent amendments or editions; or
 - Other machine calibration protocols provided that the registrant has submitted the protocols to the Department and the protocols cover the same topics as those contained in subsections (d)(3)(A) and (B) of this Section above.
- AGENCY NOTE: Copies of the two protocols referenced above are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. The protocols may also be obtained directly from the AAPM, One Physics Ellipse, College Park MD 20740-3846.
- 4) The radiation output of each therapy system shall be independently verified at intervals not to exceed 2 years. Independent verification shall consist of:
- Verification of the machine output by a therapeutic radiological physicist who is not employed at the facility

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

and does not perform the annual calibration; or

B) Alternate methods of verification of machine output, such as the use of mailed dosimetry devices, that use devices and procedures approved by the AAPM.

5) Machine calibration records shall include identification of the accelerator calibrated, the results of the tests specified in subsection (d)(1) of this Section above and shall be signed and dated by the therapeutic radiological physicist who performed the calibration.

6) The registrant shall maintain at the facility, for a period of 5 years, records of machine calibrations, instrument calibrations and independent verifications of machine output for inspection by the Department.

e) Quality Assurance Checks. A quality assurance (QA) check shall be performed by a therapeutic radiological physicist on each therapy system each calendar month. The interval between QA checks shall not exceed 45 days. QA checks shall also be performed after any change which could affect the radiation output, spatial distribution or other characteristics of the therapy beam, as determined by the physicist. Quality assurance checks shall also meet the following requirements:

- 1) Quality assurance checks shall include determination of:
 - A) The radiation output for a set of operating conditions specified by a therapeutic radiological physicist; and
 - B) The coincidence of the radiation field and the field indicated by the localizing device.

2) Radiation measurements shall be obtained using a dosimetry system that:

- A) Meets the requirements of subsection (d)(2) of this Section above; or
- B) Has been directly compared by a therapeutic radiological physicist within the previous year with a dosimetry system which meets the requirements of subsection (d)(2) of this Section above.

3) The therapeutic radiological physicist shall establish criteria for quality assurance check measurements and shall determine corrective actions to be implemented if the criteria are exceeded.

4) The registrant shall retain a record of quality assurance check measurements for inspection by the Department for a period of 5 years. The record shall include the date of the quality assurance check, identification of the accelerator, results of the quality assurance check measurements and the signature of the individual who performed the quality assurance check.

f) Quality Control. A comprehensive quality control program shall be implemented as specified by a therapeutic radiological physicist and shall meet the following requirements:

- 1) The program shall be designed to test the operation and performance of the accelerator in order to maintain radiation

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

safety and clinical reliability. The program shall include as a minimum the items listed in Section 360. Appendix E of this Part.

2) The physicist shall specify the tolerance and frequency of performance for each item of the quality control program.

3) The physicist shall specify what actions are to be taken for any item exceeding the specified tolerance.

4) The physicist shall review, sign and date the results of the quality control program each calendar month.

AGENCY NOTE: The elements of a comprehensive quality control program are described in Report No. 13 published by the AAPM, entitled "Physical Aspects of Quality Assurance in Radiation Therapy" (1984). A copy of this report is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois. Report No. 13 may also be obtained directly from the AAPM, One Physics Ellipse, College Park MD 20740-3846.

g) Operating Procedures. The registrant shall have a therapeutic radiological physicist establish written operating and emergency procedures and shall ensure that the procedures are implemented before the accelerator is used for treatment of patients. Operators of accelerators shall receive training in the application of the procedures before using the accelerator to irradiate patients. A copy of the current operating and emergency procedures shall be maintained at the treatment control panel for use and review.

1) Operating procedures to be implemented shall include instructions that:

- A) The accelerator is used in such a manner that patients, workers and the general public are protected from radiation hazards and the provisions of 32 Ill. Adm. Code 340 are met;
 - B) No accelerator shall be left unattended unless it is secured against unauthorized use;
 - C) The safety interlock system shall not be used to turn off the beam except in an emergency;
 - D) The safety interlocks and warning systems required in subsections (a)(3), (a)(4) and (a)(9) of this Section above shall be tested for proper operation at monthly intervals;
 - E) Mechanical supporting or restraining devices shall be used when a patient must be held in position for radiation therapy;
 - F) No individual other than the patient shall be in the therapy room during irradiation;
 - G) Start-up procedures for the accelerator, specified by the therapeutic radiological physicist, shall be performed daily prior to treatment of patients; and
 - H) The accelerator shall not be used for treatment of patients unless the operator can maintain visual observation of the patient and audible communication with the patient.
- 2) Emergency procedures shall include instructions for alternate

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

methods for termination of irradiation and machine movements.

AGENCY NOTE: The operating and emergency procedures should contain as a minimum the machine manufacturer's operations manual for the accelerator.

- 3) Operating and emergency procedures shall include instructions for contacting the therapeutic radiological physicist when operational problems or emergencies occur and the actions that are to be taken until the physicist can be contacted.

- h) Machine Maintenance. The therapeutic radiological physicist shall establish accelerator maintenance procedures that meet the following requirements:

- 1) Whenever service or maintenance is performed on the accelerator, a therapeutic radiological physicist shall be notified of such service or maintenance.
- 2) Following completion of service or maintenance involving radiation beam generation, beam steering or monitoring of the beam, but before the accelerator is again used for treatment of patients, the therapeutic radiological physicist shall review the service or maintenance report and shall determine whether a calibration or quality assurance check is necessary to verify the characteristics of the beam(s). If the therapeutic radiological physicist determines that a calibration or quality assurance check is necessary, the calibration or quality assurance check shall be performed before the accelerator is again used for treatment of patients.
- 3) The therapeutic radiological physicist shall establish the frequency of routine maintenance and ensure that records of all service and maintenance performed on the machine are maintained at the facility.
- 4) The therapeutic radiological physicist shall sign and date records of all service and maintenance performed on the machine.
- 5) The therapeutic radiological physicist shall specify the qualifications of maintenance personnel and prohibit non-qualified personnel from repairing the machine or adjusting parameters on the machine.
- 6) Circuit diagrams of the accelerator and interlock systems shall be maintained at the facility and kept current.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360. APPENDIX A Medical Radiographic Entrance Exposure Measurement Protocol

The following protocol shall be used for measuring and calculating entrance skin exposures (ESE) for routine diagnostic examinations. Radiation measurements shall be performed with a calibrated radiation measuring device that is sufficiently sensitive to determine compliance with the criteria specified in Section 360.60(e) of this Part. The instrument shall have been calibrated within the previous 12 months with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology. Patients are not involved in the measurement protocol.

- a) Position the x-ray tube at the source-image receptor distance (SID) routinely used and adjust the collimation to the active portion of a radiation measuring device size routinely used for the examination.
- b) Measure the distance from the x-ray source to the source against which the patient rests. Subtract the thickness of the patient to obtain the source-skin distance (SSD). The standard patient thickness for each projection to be measured shall be the following:

Projection	Thickness (cm)
Chest (PA), Grid	23
Chest (PA), Non-Grid	23
Abdomen (KUB)	23
Lumbo-Sacral Spine (AP)	23
Cervical Spine (AP)	13
Skull (lateral)	15
Foot (D/P)	8

- c) Place a radiation measuring device in the center of the useful beam, measure and record the distance from the source to the device (SDD). Use of a test stand to position the device away from the table will reduce backscatter contribution. Placing the radiation measuring device at the actual source-skin distance (SSD) will accomplish this and allow direct reading of the ESE.

- d) Set the exposure technique as follows:

- 1) For non-phototimed x-ray systems, set the controls to the exposure technique used by the x-ray operator for the standard patient thickness specified in subsection (b) of this Section above.
- 2) For phototimed x-ray systems, set the controls to the exposure technique used by the x-ray operator for the standard patient thickness specified in subsection (b) of this Section above, and use one of the two methods below:
 - A) Place an appropriate phantom (simulating body attenuation) in the useful beam between the radiation measuring device and the radiographic tabletop; or

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- B) Set an appropriate exposure technique in the manual mode (without activation of the phototimer).

AGENCY NOTE: Specifications for appropriate phantoms are included in the American Association of Physicists in Medicine (AAPM) Report No. 31, entitled "Standardized Methods for Measuring Diagnostic X-Ray Exposures" (July 1990).

AGENCY NOTE: A copy of this report is available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, IL. Copies of this report may also be obtained from the AAPM, One Physics Ellipse, College Park MD 20740-3846.

- e) Make a radiographic exposure (without patient) and record the reading obtained from the radiation measuring device
- f) Calculate the entrance skin exposure for the specific examination, using the radiation exposure reading from subsection (e) of this Section above and the equation in this subsection (f) below (if a direct result was not obtained with the dosimeter at the SSD).⁺
- The entrance skin exposure equals the product of the radiation exposure reading from subsection (e) of this Section above multiplied by the square of the ratio of the SSD, to the SSD. This expression is mathematically represented by the equation below (if a direct result was not obtained with the dosimeter at the SSD):

$$ESE = (\text{Dosimeter Reading}) \times \left(\frac{SSD}{SSD_0} \right)^2$$

where: SSD = source-radiation measuring device distance
SSD = source to - skin distance

- g) Compare the results of the calculation from subsection (f) of this Section above with the criteria specified in Section 360.60(e) of this Part to determine compliance.

AGENCY NOTE: There are many different techniques for measuring ESE which may result in significant differences in measured values. Factors that can cause variations include instrument calibration, backscatter, collimation, estimation of focal spot location, choice of phantom, location of dosimeter in the primary beam, etc. Because of these variations, the procedure for determining the ESE should be performed with strict attention to each detail noted above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360.APPENDIX B Mammography Dose Measurement Protocol

The technique factors used for performing a mammography examination shall not permit the mean glandular absorbed dose to exceed the limits specified in Section 360.71(h) of this Part. Radiation measurements shall be performed with an integrating radiation measuring device that is appropriate to the high beam intensity and mammographic kilovoltage peak (kVp) used, and sufficiently sensitive to determine compliance with the criteria specified in Section 360.71(h) of this Part. The instrument shall have been calibrated within the previous 12 months with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology.

The mammography exam dose limits are based on an average compressed breast value of 4.2 #5 centimeters having an average density (i.e., 50 percent adipose and 50 percent glandular).

Perform the following steps to determine the mean glandular dose to a nominal 4.2#5- centimeter compressed breast:

- a) Measure and record the x-ray system's useful beam half-value layer (HVL). (See Section 360.71(e) of this Part.) Any compression device normally in the useful beam during mammography procedures shall be required to be placed between the x-ray tube target and measuring device when determining the HVL. The useful beam shall be collimated to a size encompassing the detector.

AGENCY NOTE: Filters used for the HVL evaluation should be placed as close to the target as practical. The HVL for screen-film mammography should not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum equivalent (see Section 360.71(e) of this Part), and 1.6 millimeters of aluminum equivalent for xerography.

- b) Determine the glandular dose to entrance exposure factor from the Mammography Dose Evaluation Table (see Section 360.Table A of this Part) using the appropriate HVL, kVp and x-ray tube target-filter material.

AGENCY NOTE: The kVp of screen-film mammography systems with molybdenum target-filter combinations should be accurately measured to determine the appropriate glandular dose to entrance exposure factor from Section 360.Table A of this Part.

- c) If the equipment has the capability for variable source-image receptor distance, set the cranio-caudal source-image receptor distance (SID) for the image receptor system used.

- d) Position in the useful beam any compression apparatus normally used.

AGENCY NOTE: Some mammography systems have the capability of providing automatic adjustment of technique factors through feedback from the position of the compression device. On such systems, the compression device should be lowered to a position 4.2 #5 centimeters above the breast support assembly (BSA). The device should then be removed, inverted and replaced to allow placement of the phantom and measuring device on the BSA below the compression device. If the compression device cannot be replaced in an inverted position, the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

device should be placed in the beam using auxiliary support.

- e) Placement of the Radiation Measuring Device

- 1) For systems equipped with automatic exposure control (AEC):

- A) Place a properly loaded film cassette in the cassette holder.

AGENCY NOTE: The loaded cassette is placed in the cassette holder to simulate, as much as is possible, the conditions under which actual patient exposures are made. Following radiation measurements, the film should be discarded and the cassette reloaded with unexposed film.

- B) Place a mammography phantom (see the definition for "Mammography phantom" in Section 360.20 of this Part) on the breast support assembly (BSA). Align the phantom so that the edge of the phantom is aligned with the chest wall side of the BSA and the phantom is over the automatic exposure control device(s).

- C) Place a radiation measuring device in the useful beam so the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned 4.2 4-5 centimeters above the BSA, 2.5 centimeters from the chest wall edge of the BSA and immediately adjacent to either side of the mammography phantom.

- 2) For systems not equipped with AEC, place a radiation measuring device in the useful beam so that the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned so that it is centered 4.2 4-5 centimeters above the BSA, 2.5 centimeters from the chest wall edge of the BSA and at the center line of the BSA- (see Section 360.111 of this Part). No part of the device's detector area shall be outside of the useful beam.

- f) Collimate the x-ray field to the size normally used and assure that the area covered by the useful beam includes the detector area of the radiation measuring device and the mammography phantom if the equipment is equipped with automatic exposure controls.

- g) Set the appropriate technique factors or automatic exposure controls normally used for a nominal 4.2 4-5- centimeter compressed breast.

- h) Measure and record the exposure in air with the radiation measuring device.

- i) Measure and record the time of the exposure required in subsection (h) of this Section above. The time for the exposure shall be equal to or less than 2.5 seconds (see Section 360.71(i) of this Part).

- j) Calculate the mean glandular dose for a 4.2 4-5- centimeter compressed breast by multiplying the measured exposure in millicoulombs per kilogram or in roentgens by the glandular dose to entrance exposure factor, which was determined using the procedure described in subsection (b) of this Section above.

Example: A mammography system is provided with a molybdenum

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

target-filter combination, and the HVL and kVp are determined to be 0.3 and 30, respectively. Therefore, for a 4.2 4-5- centimeter compressed breast, the glandular dose to entrance exposure factor from the Mammography Dose Evaluation Table (Section 360.71 of this Part) would be 159 149 mrad. The measured roentgen output determined in subsection (h) of this Section is determined to be 1.8 R. Therefore, the mean glandular dose would be 1.8 R multiplied by 159 149 mrad/R. This results in a mean glandular dose measurement of 286 268 mrad. If the image receptor type used was screen-film with grid, the system would be in compliance with Section 360.71(h)(2) of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360. APPENDIX C Mammography Phantom Image Evaluation

Mammography phantom image evaluation shall be performed using the procedure below. The evaluation shall be performed monthly as a part of the quality assurance program and as part of the routine inspection required by 32 Ill. Adm. Code 410. The evaluation shall be performed with the mammography phantom specified in Section 360.71(j)(2) of this Part.

- a) Equipment necessary for mammography phantom image evaluation includes a densitometer, the mammography phantom and mammographic cassette and film.
- b) Load film in the mammographic cassette according to the manufacturer's instructions.
- c) Place the properly loaded cassette in the cassette holder.
- d) Place the mammography phantom on the breast support assembly (BSA) so that the edge of the phantom is aligned with the chest wall side of the BSA. Align the phantom so that the masses in the phantom are nearest the chest wall edge of the BSA and the fibers in the phantom are away from the chest wall edge of the BSA. If the mammography machine has the capability of automatic exposure control, place the phantom so that the phantom covers the phototimer sensor.
- e) Position the compression device so that it is in contact with the phantom.
- f) Select the technique factors used most frequently in the clinical setting for a 4.24-5- centimeter compressed breast and make an exposure of the phantom.
- g) Process the film in the processor used for clinical mammography films.
- h) Examine the processed image for areas of non-uniformity of optical density and for the presence of artifacts due to dirt, dust, grid lines or processing.

AGENCY NOTE: If any of the problems noted above are evident on the processed image, the mammography machine film processor and film cassette(s) should be evaluated and the problem corrected. The phantom image evaluation should be repeated after the problem is corrected.

- i) Measure and record the optical density of the film near the center of the phantom image.

AGENCY NOTE: The optical density of the film should be between 1.10 and 1.50. If the density of the phantom image is not in this range, the phantom image may not have enough contrast to visualize the objects necessary to determine compliance with the criteria of Section 360.71(j)(4) of this Part. Potential causes of film optical density problems include use of improper technique factors and either over-processing or under-processing the film.

- j) Examine the phantom image and count and record the number of masses visualized. Repeat this procedure for the speck groups and the fibrils and record the number of objects visualized. There are a total of 16 imaging objects (5 masses, 5 speck groups and 6 fibrils) in the phantom. Evaluation criteria for objects visualized in the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

phantom image are in Section 360.71(j)(4) of this Part. As a minimum, the objects that must be visualized in the phantom image are:

- 1) the masses that are 0.75 millimeter or larger (a total of 3 masses);
- 2) the speck groups that are 0.32 millimeter or larger (a total of 3 speck groups);
- 3) the fibrils that are 0.75 millimeter or larger (a total of 4 fibrils).

AGENCY NOTE: The phantom image should be compared with previous films, including the original phantom image, to determine if subtle changes are occurring from month to month.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360.APPENDIX D Computed Tomography Dose Measurement Protocol

Radiation measurements shall be performed by a diagnostic imaging specialist with a calibrated radiation measuring device that is designed for computed tomography (CT) dose measurements. The radiation measuring instrument shall have been calibrated within the previous 12 months with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology. Measurements shall be specified in terms of the multiple scan average dose (MSAD) and shall be performed with a head phantom specifically designed for making CT dose measurements.

AGENCY NOTE: There are two terms used to describe CT dosimetry measurements, the computed tomography dose index (CTDI) and the multiple scan average dose (MSAD). Manufacturers of CT systems measure and report CTDI pursuant to the requirements of the Code of Federal Regulations, 21 CFR 1020.33(b)(1). While the CTDI is carefully defined, it is difficult to measure accurately. The MSAD is easily measured and was the CT dose descriptor used by the Center for Devices and Radiological Health (FDA) in the Nationwide Evaluation of X-Ray Trends (NEXT). The CTDI is equivalent to the MSAD for a series of 14 contiguous scans spaced by the nominal tomographic thickness. The MSAD was chosen as the dose descriptor for this Part due to the ease of measurement and the applicability of the data generated for comparisons with the results of the NEXT study.

a) CT dose measurements shall be performed using a head phantom that meets the following requirements:

- 1) The phantom shall be a right circular cylinder of polymethyl-methacrylate of density 1.19 plus or minus 0.01 grams per cubic centimeter.
- 2) The phantom shall be at least 14 centimeters in length and shall have a diameter of 16 centimeters.
- 3) The phantom shall provide means for the placement of a radiation measuring device in the center of the phantom along its axis of rotation.

b) Set up procedure

- 1) Place the phantom on the patient support device and in the patient head rest, if available. Center the phantom in the CT gantry aperture and position the gantry so that it is perpendicular to the patient support device. Align the phantom so that the tomographic plane is centered along the axis of the phantom.
- 2) Make a single scan of the phantom and determine if the center of the phantom is aligned with the axis of rotation of the scanner. If necessary, realign the phantom and repeat this procedure until the center of the phantom is aligned to within plus or minus 0.5 centimeters of the axis of rotation of the CT scanner.
- 3) Place the radiation measuring device in the center of the phantom.

c) Exposure measurement

- 1) Select and record the technique factors and the tomographic

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

section thickness most frequently used for a CT examination of the head.

AGENCY NOTE: If routine CT examinations of the head are performed at the facility using a different tomographic section thickness for the top or bottom part of the head, the larger tomographic section thickness should be used for measurement of the MSAD.

- 2) Perform a single CT scan and record the exposure reading from the radiation measuring device. Repeat this procedure, without advancing the table or phantom, three times for a total of four scans and determine the average exposure reading for a single scan.

d) Calculation of MSAD

- 1) The MSAD shall be calculated using the mathematical expression below:

$$MSAD = (E \times f \times K \times L) / T$$

where:

E = average exposure reading in coulombs per kilogram or in milliroentgens.

f = factor to convert exposure in air to absorbed dose in tissue or other attenuating matter, in grays per coulomb per kilogram or in rad per milliroentgen. For acrylic, at an effective energy of 70 KeV, f is equal to 30.2 Gy per C/kg (0.78 X 10⁻³) rad/mR].

K = calibration factor to account for the radiation measuring device's response and volume.

L = effective length of the radiation measuring device in millimeters.

T = thickness in millimeters of the tomographic section selected.

AGENCY NOTE: This calculation assumes tomographic sections are contiguous, without overlap of sections or gaps between sections.

EXAMPLE: The measurement is made with an ion chamber with an effective length of 100 millimeters and a calibration factor of 1.99. The thickness of the tomographic section from subsection (c)(1) of this Section above is 10 millimeters. The average exposure reading from subsection (c)(2) of this Section above is determined to be 306 mR. The MSAD is calculated as follows:

$$MSAD = (306 \times 0.78 \times 10(-3) \times 1.99 \times 100) / 10$$

$$MSAD = 4.7 \text{ rad}$$

- 2) If the tomographic sections overlap, the MSAD must be multiplied by a fraction which is the thickness of the tomographic section

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

divided by the scan increment.

EXAMPLE: Calculate the corrected MSAD for scan overlap technique, in a continuation of the above example, assume a scan increment of 5 millimeters.

Corrected MSAD = MSAD X (T / scan increment)
 Corrected MSAD = 4.7 X (10 / 5)
 Corrected MSAD = 9.4 rad

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 360. TABLE A Mammography Dose Evaluation Table

This table is used to determine the mean glandular dose in milligrays delivered by 25.8 mC/kg (or millirad) delivered by 1 R in air incident on a 4.24-5-centimeter thickness compressed breast of average density (50 percent adipose and 50 percent glandular tissue). Values listed are for the first half-value layer (HVL) in millimeters of aluminum (mm Al), for x-ray tube target-filter combinations of molybdenum/molybdenum (Mo/Mo) and tungsten/aluminum (W/Al). Linear extrapolation or interpolation shall be made for any HVL not listed.

Mean Glandular Dose in milligrays for 25.8 mC/kg (or millirad for 1 R, Entrance Exposure for a 4.24-5- Centimeter Compressed Breast of Average Density

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

HVL (mm AL)	Mo/Mo Target Filter X-Ray Tube Voltage (kVp)												W/AI Target Filter Combination
	23	24	25	26	27	28	29	30	31	32	33	34	
0.23	116												
0.24	121	123											
0.25	126	129	131										
0.26	132	135	138	140	142								
0.27	138	142	145	148	151	153							
0.28	144	148	151	154	157	159	161	162	163	164			
0.29	150	154	157	160	163	166	167	168	169	170	171		170
0.31	158	162	165	168	171	173	174	175	176	177	178	179	175
0.32	163	167	170	173	176	178	179	180	181	182	183		180
0.33	168	172	175	178	181	184	185	186	187				185
0.34	173	177	180	183	186	189	191	192	193	194	195	196	190
0.35	178	182	185	188	191	194	196	197	198	199	200		194
0.36	183	187	190	193	196	199	201	202	203	204	205		199
0.37	188	192	195	198	201	204	206	207	208	209			204
0.38	193	197	200	203	206	209	211	212	213	214	215	216	208
0.39	198	202	205	208	211	214	216	217	218	219	220		213
0.40	203	207	210	213	216	219	221	222	223	224	225		217
0.41	208	212	215	218	221	224	226	227	228	229	230		221
0.42	213	217	220	223	226	229	231	232	233	234	235		225
0.43	218	222	225	228	231	234	236	237	238	239	240		230
0.44	223	227	230	233	236	239	241	242	243	244	245		234
0.45	228	232	235	238	241	244	246	247	248	249	250		238

AGENCY NOTE: Adapted from: Mammography Quality Control Manual for Mammography: Medical Physicist's Section, Revised Edition, 1994 Manual, 1992, American College of Radiology/American Cancer Society.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

HVL (mm AL)	Mo/Mo Target Filter X-Ray Tube Voltage (kVp)												W/AI Target Filter Combination
	23	24	25	26	27	28	29	30	31	32	33	34	
0.23	149												
0.24	153	156											
0.25	157	160	162										
0.26	161	164	167	169	171								
0.27	165	168	171	174	177	179							
0.28	170	173	176	179	182	185	187						
0.29	174	177	180	183	186	189	191	192					
0.30	178	181	184	187	190	193	196	198	199				170
0.31	183	186	189	192	195	198	201	203	204				175
0.32	187	190	193	196	199	202	205	207	208	209	210		180
0.33	192	195	198	201	204	207	210	212	213	214	215	216	185
0.34	196	199	202	205	208	211	214	216	217	218	219	220	190
0.35	201	204	207	210	213	216	219	221	222	223	224	225	194
0.36	205	208	211	214	217	220	223	225	226	227	228	229	199
0.37	210	213	216	219	222	225	228	230	231	232	233	234	204
0.38	214	217	220	223	226	229	232	234	235	236	237	238	208
0.39	219	222	225	228	231	234	237	239	240	241	242	243	213
0.40	223	226	229	232	235	238	241	243	244	245	246	247	217
0.41	228	231	234	237	240	243	246	248	249	250	251	252	221
0.42	232	235	238	241	244	247	250	252	253	254	255	256	225
0.43	237	240	243	246	249	252	255	257	258	259	260	261	230
0.44	241	244	247	250	253	256	259	261	262	263	264	265	234
0.45	246	249	252	255	258	261	264	266	267	268	269	270	238

AGENCY NOTE: Adapted from: Mammography Quality Control Manual for Mammography: Medical Physicist's Section, Revised Edition, 1994 Manual, 1992, American College of Radiology/American Cancer Society.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

Section 360. TABLE B Half-Value Layer as a Function of Tube Potential

Designed operating range	X-ray Tube Voltage (kilovolt peak)	Minimum HVL (mm of Al)(1)		
		Measured Operating Potential	Specified Dental Systems (2)	Other X-Ray Systems (3)
Below 50	30 40 49	30 40 49	1.5	0.3
			1.5	0.4
			1.5	0.5
50 to 70	50 60 70	50 60 70	1.5	1.2
			1.5	1.3
			1.5	1.5
Above 71	71 80 90 100 110 120 130 140 150	71 80 90 100 110 120 130 140 150	2.1	2.1
			2.3	2.3
			2.5	2.5
			2.7	2.7
			3.0	3.0
			3.2	3.2
			3.5	3.5
			3.8	3.8
			4.1	4.1

(1) Linear extrapolation or interpolation may be made for an x-ray tube potential (kVp) not listed in the table ~~Table-B~~ above (e.g., in the column entitled "Other X-ray Systems" operated at 20 kVp and 95 kVp, the minimum HVL required would be 0.2 and 2.6 millimeters of aluminum respectively).

(2) "Specified Dental Systems" means any dental x-ray system designed for use with intraoral image receptors and manufactured after December 1, 1980.

(3) "Other X-Ray Systems" means all x-ray systems required to meet the provisions of Sections 360.50, 360.60, 360.75, 360.90 (except "Specified Dental Systems") and 360.100 of this Part. Half-value layer requirements for mammography systems are specified in Section 360.71(e) of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENT

- Heading of the Part: Illinois Nursing Act of 1987
- Code Citation: 68 Ill. Adm. Code 1300
- Section Numbers: 1300.15
Proposed Action: New Section
- Statutory Authority: Illinois Nursing Act of 1987 [225 ILCS 65]
- A. Complete Description of the Subjects and Issues Involved: Public Act 90-61, effective December 30, 1997, includes the reauthorization of the Illinois Nursing Act of 1987. Among its changes was elimination of the statutory fee Section, replacing it with fees set by administrative rule. There have been no changes from the statutory fees for application or renewal of licenses. However, various processing and other general fees have been changed from \$15 to \$20.
- Will these proposed amendments replace emergency rules currently in effect? No
- Does this rulemaking contain an automatic repeal date? No
- Do these proposed amendments contain incorporations by reference? No
- Are there any other proposed amendments pending on this Part? No
- Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of this issue of the Illinois Register to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645
- Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing nursing services.

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: Nursing skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

THE ILLINOIS NURSING ACT OF 1987

Section	
1300.10	Definitions
1300.15	Fees
1300.20	Application for Examination
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination
1300.30	Licensure by Endorsement
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

AUTHORITY: Implementing the Illinois Nursing Act of 1987 [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. _____, effective _____.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section 1300.15 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as a registered professional nurse and a licensed practical nurse is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$20 per year.
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$125.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
 - 6) The fee for a roster of persons licensed as registered professional nurses or licensed practical nurses in this State shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Accessibility Code2) Code Citation: 71 Ill. Adm. Code 4003) Section Numbers: Adopted Action:

400.310 Amendment

400.420 Amendment

4) Statutory Authority: Implementing and authorized by the Environmental Carriers Act [410 ILCS 25].5) Effective Date of Rulemaking: October 24, 19976) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: October 24, 19979) Notice of Proposal Published in Illinois Register: July 25, 1997; 21 Ill. Reg. 963010) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? Yes14) Are there any amendments pending on this part? No15) Summary and Purpose of Rulemaking: These amendments accurately reflect agreements made by the Capital Development Board with the Attorney General's Office, public commentators, and JCAR prior to adoption of a previous rulemaking implementing the Illinois Accessibility Code. That rulemaking was adopted April 24, 1997. This rulemaking corrects technical mistakes so that materials used at training seminars and distributed to the public will reflect those agreements and the true intent of the rules adopted on April 24, 1997.16) Information and questions regarding these adopted amendments shall be directed to:

Name: Claire Gibson, Deputy Chief Counsel
Address: Capital Development Board
3rd Floor William G. Stratton Building

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62706

Telephone: 217/782-2864

The full text of the Adopted Amendment begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER b: ACCESSIBILITY STANDARDS

PART 400

ILLINOIS ACCESSIBILITY CODE

SUBPART A: ADMINISTRATION

Section	Purpose
400.110	Standards Incorporated by Reference
400.120	Applicability
400.130	Civil Enforcement
400.140	Local Standards
400.150	Revisions to Code
400.160	Interpretation of the Requirements
400.170	Permits/Statement of Compliance
400.180	

SUBPART B: DEFINITIONS

Section	Code Terms
400.210	Space Allowance and Reach Ranges
400.220	

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section	Public Facilities, New Construction - Minimum Requirements
400.310	Additional Requirements for Specific Facility Types
400.320	Exemptions
400.330	

SUBPART D: MULTI-STORY HOUSING, NEW CONSTRUCTION

Section	Multi-Story Housing, New Construction
400.350	Requirements for Adaptable Dwelling Units
400.360	

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section	Public Facilities, Additions - Minimum Requirements
400.410	Exemptions
400.420	

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

Section	
---------	--

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

400.510 Public Facilities, Alterations - Minimum Requirements
 400.520 Exemptions to the Alterations Requirements

SUBPART G: HISTORIC PRESERVATION

Section
 400.610 Historic Preservation, Scope - Minimum Requirements
 400.620 Alternative Requirements for Historic Buildings
 400.630 Exemptions for Historic Preservation

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF PUBLIC FACILITIES

Section
 400.710 Standards for Government Leasing, Renting or Use of Public Facilities

APPENDIX A Graphic Conventions and Figures

ILLUSTRATION A Graphic Conventions
 ILLUSTRATION B Graphic Figures
 ILLUSTRATION C "Parking" Sign
 ILLUSTRATION D "\$100 Fine" Sign

AUTHORITY: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25].

SOURCE: Amended April 21, 1969; amended at 2 Ill. Reg. 52, p. 33, effective December 18, 1978; emergency amendment at 4 Ill. Reg. 9, p. 253, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 27, p. 208, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 30, p. 1252, effective July 11, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3797, effective March 31, 1981; codified at 8 Ill. Reg. 19922; Part repealed, new Part adopted at 12 Ill. Reg. 5243; effective May 1, 1988; Part repealed, new Part adopted at 21 Ill. Reg. 5764, effective April 24, 1997; emergency amendment at 21 Ill. Reg. 9781, effective July 10, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 14506, effective 8/12/97.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section 400.310 Public Facilities, New Construction - Minimum Requirements

All public facilities to which the Environmental Barriers Act [410 ILCS 25] and this Code apply and which involve work of wholly new construction or reconstruction and not additions, alterations, or historic preservation, shall be accessible to environmentally limited persons on all floors (levels),

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

mezzanines and tiers, unless specifically exempted in this Code by meeting the following requirements:

a) Accessible Route

Accessible routes on an accessible site and for any new site improvements shall be provided to serve all accessible spaces or elements. Accessible routes include exterior routes, at least one accessible entrance, a means of egress, and interior horizontal (e.g., corridors) and vertical (e.g., elevators) circulation routes. Accessible routes shall meet the following requirements:

1) Location.

- A) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, if provided, taxi stands, public streets or sidewalks, and accessible facilities on non-contiguous sites, to an accessible building entrance. (ADAAG 4.3.2(1))
- B) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site. (ADAAG 4.3.2(2))
- C) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility. (ADAAG 4.3.2(3))
- D) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit. (ADAAG 4.3.2(4))
- 2) Width. The minimum clear width of an accessible route shall be 36 in. (915 mm) except at doors (see subsections (3)(4) and (5) of this Section). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Illustration B, Fig. 7(a) and (b). (ADAAG 4.3.3)
- 3) Passing Space. If an accessible route has less than 60 in. (1525 mm) clear width, then passing spaces at least 60 in. by 60 in. (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft. (61 m). A T-intersection of two corridors or walks is an acceptable passing place. (ADAAG 4.3.4)
- 4) Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in. (2030 mm) minimum clear head room (see Illustration B, Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in. (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Illustration B, Fig. 8(c-1)). (ADAAG 4.3.5; 4.4.2)
- 5) Ground and Floor Surfaces. Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable,

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- firm, and slip-resistant, and shall comply with subsection (a)(7), (11) and (12) of this Section. (ADAAG 4.5.1)
- 6) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with subsection (e) of this Section. Nowhere shall the cross slope of an accessible route exceed 1:50. (ADAAG 4.3.7)
- 7) Changes in Level. Changes in level up to 1/4 in. (6 mm) may be vertical and without edge treatment (see Illustration B, Fig. 7(c)). Changes in level between 1/4 in. and 1/2 in. (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2 (see Illustration B, Fig. 7(d)). (ADAAG 4.5.2) If an accessible route has changes in level greater than 1/2 in. (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in subsection (h)(1) of this Section) shall be provided that complies with subsection (d), (e), (g) or (h) of this Section, respectively. An accessible route does not include stairs, steps, or escalators. (ADAAG 4.3.8)
- 8) Doors. Doors along an accessible route shall comply with subsection (j) of this Section. (ADAAG 4.3.9)
- 9) Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance (see subsection (b) of this Section). (ADAAG 4.3.10)
- 10) Protruding Objects. Objects projecting from walls (for example, telephones) with their leading edges between 27 in. and 80 in. (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in. (100 mm) into walks, halls, corridors, passageways, or aisles (see Illustration B, Fig. 8(a)). Objects mounted with their leading edges at or below 27 in. (685 mm) above the finished floor may protrude any amount (see Illustration B, Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in. (305 mm) maximum from 27 in. to 80 in. (685 mm to 2030 mm) above the ground or finished floor (see Illustration B, Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Illustration B, Fig. 8(e)). (ADAAG 4.4.1)
- 11) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in. (13 mm) (see Illustration B, Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with the "Changes of Level" requirement at subsection (a)(7) of this Section. (ADAAG 4.5.3)
- NOTE: Where a mat is used on a temporary or seasonal basis, it

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- shall be securely attached or have a backing designed to be non-slip.
- 12) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in. (13 mm) wide in one direction (see Illustration B, Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Illustration B, Fig. 8(h)). (ADAAG 4.5.4)
- b) Means of Egress and Areas of Rescue Assistance
- 1) Exit Access. Accessible routes shall serve as the exit access portion of the means of egress for emergencies, or connect to an accessible area of rescue assistance as required in subsection (b)(4) and (b)(5) of this Section. Where applicable building code provisions require more than one means of egress from any space or room, the exit access portion of each means of egress shall be served by accessible routes.
- 2) Stairs. Stairs meeting the requirements of subsection (f) of this Section and the applicable building code are permitted within the exit portion of the means of egress.
- 3) Exception. Except as required by the applicable building code, a means of egress and an accessible area of rescue assistance are not required for one-family and two-family units and one or two-story detached dwelling units.
- 4) Areas of rescue assistance in buildings without a supervised automatic sprinkler system, other than multi-story housing. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, areas of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with the requirements of this subsection (b)(4). A horizontal exit, meeting the requirements of local building/life safety regulations, shall satisfy the requirement for an area of rescue assistance. (ADAAG 4.1.3(9)).
- NOTE: In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with an automatic fire suppression system.
- A) Location and Construction
- An area of rescue assistance shall be one of the following:
- A portion of a stairway landing within a smoke proof enclosure (complying with local requirements).
 - A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6m) of the area of rescue assistance shall be protected with fire assemblies having a three-fourths hour fire protection rating.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) A portion of a one-hour-fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.
- iv) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.
- v) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one-hour-fire-resistive doors.
- vi) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour-fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.
- vii) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smoke proof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire-resistive construction. (ADAAG 4.3.11.1)

B) Size

- i) Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 in. by 48 in. (760 mm by 1220 mm). The area of rescue assistance shall not encroach on any required exit width. The total number of such 30 in. by 48 in. (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

EXCEPTION: The appropriate local authority may reduce

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- the minimum number of 30 in. by 48 in. (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200. (ADAAG 4.3.11.2)
- ii) Stairway Width
Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 in. between handrails. (ADAAG 4.3.11.3)
- C) Features
 - i) Two-Way Communication
A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry. (ADAAG 4.3.11.4)
 - ii) Identification
Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and displays the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at an inaccessible exit and where otherwise necessary to indicate clearly the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system. (ADAAG 4.3.11.5)
- D) Plan
The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.

- 5) Areas of rescue assistance in multi-story housing units without an exit discharge at grade level from each floor, and multi-story public facilities public-facilities-and-multi-story-housing-units with a supervised automatic sprinkler system and without with an exit discharge at grade level from each floor.
NOTE: In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with a supervised automatic sprinkler system.
- A) The following types of areas of rescue assistance shall be provided at each floor of the building except the level of exit discharge:
 - i) Horizontal exit(s) into another fire compartment as permitted by the applicable building code.
 - ii) At least one area of rescue assistance within every

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

stairway which is required as an exit by the applicable building code. The area of rescue assistance shall be at least 10 square feet of clear floor area on each floor landing of the stairs in addition to that area required for exiting, and shall not reduce the travel width or reduce the swing of the door. This area of rescue assistance shall be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate at least one wheelchair in positions which do not obstruct people exiting. All elements and the construction of the stairway within which the area of rescue assistance is located shall meet the fire resistance requirements of the applicable building code, or a minimum of one hour fire resistance rating, and shall have self-closing doors.

iii) The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.

iv) Areas of rescue assistance in multi-story public facilities and multi-story housing units with a supervised automatic sprinkler system, if stairs are provided leading to grade that are part of a code-required entrance, an accessible exterior platform at the level of exit discharge shall be provided. The platform shall provide an area of at least 10 square feet, in addition to that area required for exiting, that does not reduce the required travel width and is not reduced by the swing of the door. This space shall be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate one wheelchair.

c) Parking and Passenger Loading Zones

1) Minimum Number. If any parking is provided for employees or visitors, or both, the minimum number of accessible parking spaces to be provided for environmentally limited persons is as follows:

TOTAL OFF-STREET PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501-1000	2% of total number
Over 1000	20 plus 1 for each 100 over 1000

(Table from ADAAG 4.1.2(5)(a))

2) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas. (ADAAG 4.6.2)

3) Dimensions and Markings. Each parking space, except on-street spaces, shall consist of a sixteen foot wide parking space including an eight foot wide diagonally striped access aisle. Adjacent parking spaces shall not share a common access aisle (see Illustration B, Fig. 9(a)). In the alternative, all required parking spaces may be provided in conformance with "Universal Parking Design" (ADAAG Appendix A4.6.3), except that such spaces shall not utilize a shared access aisle with an adjacent space (ADAAG 4.1.2(5)(b) Exception). Under Universal Parking Design, all accessible spaces are sixteen feet wide, including a space eleven feet (132 in., 3350 mm) wide with a five foot (60 in., 1525 mm) diagonally striped access aisle (see Illustration B, Fig. 9(b)). A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be used. Each parking space shall have its own access aisle and all access aisles shall blend to a common level with an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. (ADAAG 4.6.3) Minimum vertical clearance of 98 in. (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided. (ADAAG 4.6.5)

4) Attendant-Only or Valet Parking. No accessible parking shall be required if attendant-only or valet parking is provided and is available at all times the facility is open for public use.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

However, such parking facilities shall provide a passenger loading zone complying with subsection (c)(5) of this Section located on an accessible route to the entrance of the facility. (ADAAG 4.1.2(5)(e)) If accessible at-grade parking is available, at least one space for self-parking of a vehicle with sensitive specialized control devices shall be provided.

- 5) Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in. (1525 mm) wide and 20 ft. (240 in., 6100 mm) long adjacent and parallel to the vehicle pull-up space (see Illustration B, Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with subsection (d) of this Section shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. Accessible passenger loading zones shall provide minimum vertical clearance of 114 in. (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). (ADAAG 4.6.6)

- 6) Medical Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces shall be provided in accordance with subsection (c) of this Section except as follows:

- A) Outpatient units and facilities: 10% of the total number of parking spaces provided serving each such outpatient unit or facility shall be designated as accessible spaces;
- B) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided serving each such unit or facility shall be designated as accessible spaces. (ADAAG 4.1.2(5)(d)(i) and (ii))

- 7) Signage. Accessible parking spaces shall be designated as reserved for environmentally limited persons by providing a R7-8 (U.S. Department of Transportation standard) sign which contains the international symbol of accessibility (see Illustrations C and D). Such signs shall exhibit the words "500 Pines" (or higher amount if required by local ordinance). (See Illinois Vehicle Code [625 ILCS 5/11-301 and 301.1].) Signs shall be vertically mounted on a post or wall at front center of the parking space, no more than 5 feet horizontally from the front of the parking space and set a minimum of 4 feet from finished grade to the bottom of the sign. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. (ADAAG 4.6.4)

d) Curb Ramps

- 1) Location. Curb ramps shall be provided wherever an accessible route crosses a curb (ADAAG 4.7.1) and shall comply with the following:
- 2) Slope. Slopes of curb ramps shall comply with subsection (e)(2)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

of this Section. The slope shall be measured as shown in Illustration B, Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20. (ADAAG 4.7.2)

- 3) Width. The minimum width of a curb ramp shall be 36 in. (915 mm), exclusive of flared sides. (ADAAG 4.7.3)
- 4) Surface. Surfaces of curb ramps shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.7.4)
- 5) Sides of Curb Ramps. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp (see Illustration B, Fig. 12(b)). (ADAAG 4.7.5)
- 6) Built-up Curb Ramps. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Illustration B, Fig. 13). (ADAAG 4.7.6)
- 7) Detectable Warnings. A curb ramp shall have a detectable warning feature extending the full width and depth of the curb ramp, including any flares. (ADAAG 4.7.7) Such detectable warning features shall consist of exposed aggregate concrete or parallel or diamond mesh pattern grooves, cushioned surfaces made of rubber or plastic, or raised strips (see Illustration B, Fig. 40). Textures shall contrast with that of the surrounding surface. Textured surfaces for detectable warnings shall be standard within a site.
- 8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles. (ADAAG 4.7.8)
- 9) Location at Marked Crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Illustration B, Fig. 15). (ADAAG 4.7.9)
- 10) Diagonal Curb Ramps. If diagonal (or corner-type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in. (1220 mm) minimum clear space as shown in Illustration B, Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in. (1220 mm) clear space shall be within the markings (see Illustration B, Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in. (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Illustration B, Fig. 15(c)). (ADAAG 4.7.10)
- 11) Islands. Any raised islands in crossings shall be cut through level with the street or having curb ramps at both sides and a

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

level area at least 48 in. (1220 mm) long between the curb ramps in the part of the island intersected by the crossings (see Illustration B, Fig. 15(a) and (b)). (ADAAG 4.7.11)

e) Ramps

1) General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with the following requirements unless another means of accessible vertical access (e.g., accessible elevator or accessible platform lift) is provided. (ADAAG 4.8.1)

2) Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in. (760 mm) (see Illustration B, Fig. 16). Curb ramps and interior or exterior ramps to be constructed on existing sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows: (ADAAG 4.8.2)

A) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in.
B) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in. A slope steeper than 1:8 is not allowed. (ADAAG 4.1.6(3)(a))

3) Clear Width. The minimum clear width of a ramp shall be 36 in. (915 mm). (ADAAG 4.8.3)

4) Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

A) The landing shall be at least as wide as the ramp run leading to it.
B) The landing length shall be a minimum of 60 in. (1525 mm) clear.

C) If ramps change direction at landings, the minimum landing size shall be 60 in. by 60 in. (1525 mm by 1525 mm).

D) If a doorway is located at a landing, then the area in front of the doorway shall comply with subsection (j)(5) of this Section. (ADAAG 4.8.4)

5) Handrails. If a ramp run has a rise greater than 6 in. (150 mm) or a horizontal projection greater than 72 in. (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with subsection (p) of this Section and shall have the following features:

A) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

B) If handrails are not continuous, they shall extend at least 12 in. (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

surface (see Illustration B, Fig. 17).

C) The clear space between the handrail and the wall shall be 1-1/2 in. (38 mm).

D) Gripping surfaces shall be continuous.

E) Top of handrail gripping surfaces shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above ramp surfaces.

F) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

G) Handrails shall not rotate within their fittings. (ADAAG 4.8.5)

6) Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.8.6)

7) Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in. (50 mm) high (see Illustration B, Fig. 17). (ADAAG 4.8.7)

8) Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.8.8)

9) Exceptions. The following areas do not have to be served by accessible ramps provided that such areas comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space: temporary raised platforms; seating tiers; theater rows; stadium rows; and auditorium rows utilizing fixed seating. Ramps do not have to be provided to all levels of a multi-level platform. For requirements for restaurants and cafeterias, see Section 400.320(1).

f) Stairs

1) General. Interior and exterior stairs connecting floors and/or levels that are not connected by an elevator, platform lift or ramp, which are required as a means of egress by the applicable building code, or which are part of an accessible route, shall comply with the following requirements. (ADAAG 4.1.3(4))

2) Treads and Risers. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Risers shall be a maximum of 7 in. (180 mm) in height. Stair treads shall be no less than 11 in. (280 mm) wide, measured from riser to riser (see Illustration B, Fig. 18(a)). Open risers are not permitted. (ADAAG 4.9.2)

3) Nosings. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in. (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 in. (38 mm) (see Illustration B, Fig. 18). (ADAAG 4.9.3)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Handrails. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with subsection (q) of this Section and shall have the following features:

A) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Illustration B, Fig. 19(a) and (b)).

B) If handrails are not continuous, they shall extend at least 12 in. (305 mm) beyond the top riser and at least 12 in. (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal (see Illustration B, Fig. 19(c) and (d)). Handrail extensions shall comply with subsection (a)(10) of this Section.

C) The clear space between handrails and wall shall be 1-1/2 in. (38 mm).

D) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

E) Top of handrail gripping surface shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above stair nosings.

F) Ends of handrails shall be either rounded or returned smoothly to floor, wall or post.

G) Handrails shall not rotate within their fittings. (ADAAG 4.9.4)

- 5) Detectable Warnings at Stairs. See subsection (t)(3) of this Section.

6) Outdoor Conditions. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.9.6)

9) Elevators

1) General. All passenger elevators provided in a building or facility shall be accessible as provided below, shall serve all levels of a building or facility, shall be on an accessible route and shall comply with the ASME A17.1-1996, Safety Code for Elevators and Escalators, unless exempted at subsection (g)(16) of this Section. Freight elevators shall not be considered as meeting requirements of this Section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees. (ADAAG 4.10.1)

2) Automatic Operation. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in. (13 mm) under rated loading to zero loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

overtravel or undertravel. (ADAAG 4.10.2)

3) Hall Call Buttons. Call buttons in elevator lobbies and halls shall be centered at 42 in. (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in. (19 mm) in the smallest dimension. The button designating the up direction shall be on top (see Illustration B, Fig. 20). Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4 in. (100 mm). (ADAAG 4.10.3)

4) Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features:

A) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in. (1830 mm) above the lobby floor (see Illustration B, Fig. 20).

B) Visual elements shall be at least 2-1/2 in. (64 mm) in the smallest dimension.

C) Signals shall be visible from the vicinity of the hall call button (see Illustration B, Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable. (ADAAG 4.10.4)

5) Raised and Braille Characters on Hoistway Entrances. All elevator hoistway entrances shall have raised and Braille floor designations provided on both jambs. The centerline of the characters shall be 60 in. (1525 mm) above finish floor. Such characters shall be 2 in. (50 mm) high and shall comply with subsection (u)(3) of this Section. Permanently applied plates are acceptable if they are permanently fixed to the jambs (see Illustration B, Fig. 20). (ADAAG 4.10.5)

6) Door Protective and Reopening Device. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in. and 29 in. (125 mm and 735 mm) above finish floor (see Illustration B, Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ASME A17.1-1996. (ADAAG 4.10.6)

7) Door and Signal Timing for Hall Calls. The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

following equation: $T=D/(1.5 \text{ ft/s})$ or $T=D/(445 \text{ mm/s})$ where T is total time in seconds and D is distance (in feet or millimeters) from a point in the lobby or corridor 60 in. (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Illustration B, Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be 5 seconds. (ADAAG 4.10.7)

- 8) Door Delay for Car Calls. The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds. (ADAAG 4.10.8)

- 9) Floor Plan of Elevator Cars. The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Illustration B, Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in. (32 mm). (ADAAG 4.10.9)

- 10) Floor Surfaces. Floor surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.10.10)

- 11) Illumination Levels. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux). (ADAAG 4.10.11)

- 12) Car Controls. Elevator control panels shall have the following features:

- A) Buttons. All control buttons shall be at least 3/4 in. (19 mm) in their smallest dimension. They shall be raised or flush.

- B) Tactile, Braille and Visual Control Indicators. All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Illustration B, Fig. 23(a), and as required in ASME A17.1-1996. Raised and Braille characters and symbols shall comply with subsection (u)(3) of this Section. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Illustration B, Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

- C) Height. All floor buttons shall be no higher than 54 in. (1370 mm) above the finish floor for side approach and 48 in. (1220 mm) for front approach. Emergency controls,

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than 35 in. (890 mm) above the finish floor (see Illustration B, Fig. 23(a) and (b)).

- D) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Illustration B, Fig. 23(c) and (d)). (ADAAG 4.10.12)

- 13) Car Position Indicators. In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the hoistway, the corresponding numerals shall illuminate and an audible signal shall sound. Numerals shall be a minimum of 1/2 in. (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal. (ADAAG 4.10.13)

- 14) Emergency Communications. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME A17.1-1996. The highest operable part of a two-way communication system shall be a maximum of 48 in. (1220 mm) from the floor of the car. It shall be identified by a raised symbol and lettering complying with subsection (u) of this Section and located adjacent to the device. If the system uses a handset then the length of the cord from the panel to the handset shall be at least 29 in. (735 mm). If the system is located in a closed compartment the compartment door hardware shall conform to subsection (r) of this Section. The emergency inter-communication system shall not require voice communications. (ADAAG 4.10.14)

- 15) Handrails. Handrails in compliance with subsection (g) of this Section shall be provided on the side walls (and preferably both the side and rear walls) of all accessible passenger elevator cabs, mounted at a height of between 32 in. (815 mm) and 36 in. (915 mm) above the floor of the cab. A bar section 1-1/4 in. (32 mm) to 1-1/2 in. (38 mm) in depth, minimum 3/8 in. (9.6 mm) thickness, with 1/8 in. (3.2 mm) radius edges is also acceptable. Exemptions. The following areas do not have to be served by accessible passenger elevators:

- A) The basement or second floor or mezzanine space of privately owned public facilities, subject to all of the following:

- i) The basement functional space, second story space, or mezzanine space are each limited to 1000 net square feet or less. See definition of "functional space" (Section 400.320(b)(52)).
- ii) The exempt area must consist of the following type of

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

space:

the second story of a two-story building without a basement; or

the mezzanine of a one-story building without a basement; or

the second story of a two-story building with a basement with less than 50% functional space; or

the mezzanine of a one-story building with a basement with less than 50% functional space; or

a basement with 50% or more functional space in a one-story building.

iii) For mezzanines, see also Section 400.320(1)(4) of this Part.

iv) The exemption does not apply to areas of visitor usage or to common employee usage such as locker areas, toilet facilities or lunchrooms if these facilities are the only ones in the building.

v) The exemption also does not apply to a shopping center, shopping mall, or the professional office of a health care provider. (ADAAG 4.1.3(5))

B) Temporary raised platforms; seating tiers; theater rows; stadium rows; and auditorium rows utilizing fixed seating, provided that they comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space. Elevators do not have to be provided to all levels of a multi-level platform.

C) Areas served by ramps which conform to subsection (e) of this Section.

D) Areas permitted to be served by platform lifts pursuant to and in conformance with subsection (h) of this Section.

The elevator exemption in subsections (9)(16)(A) through (D) above does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this Section.

17) Elevator in Exempt Facility. If a facility is eligible for the elevator exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of this Section and shall serve each level in the building. (ADAAG 4.1.3(5), Exception 1)

h) Platform Lifts (Wheelchair Lifts)

1) Conditions for Use. Platform lifts may only be used in lieu of conforming accessible ramps or elevators under the following

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

conditions:

A) To provide an accessible route to a performing area in an assembly occupancy.

B) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of Section 400.320(a)(3).

C) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons, including but not limited to equipment control rooms and projection booths.

D) To provide access where existing site or physical constraints make use of a ramp or an elevator infeasible. (Excerpt from ADAAG 4.1.3(5)-Exception 4)

E) To provide access to the second story or the mezzanine of a two-story building, or to the basement or mezzanine space of a one-story building, where each story is more than 1000 square feet and less than 3000 square feet, and is not a shopping center, shopping mall or the professional office of a health care provider. If permitted under this Section, the lift must comply with ASME A17.1-1996, Part XXV.

2) General. If a platform lift is permitted, it shall facilitate unassisted entry, operation, and exit from the lift and shall comply with the following requirements:

A) Clear floor or ground space for wheelchairs shall comply with Section 400.220(d). Wheelchair lift platform shall be a minimum of 30 in. (760 mm) wide by 48 in. (1220 mm) long, clear. Maximum inside net platform area shall not exceed 18 square feet.

B) Ground and floor surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section.

C) Controls and operating mechanisms shall comply with subsection (r) of this Section.

D) ASME A17.1-1996 Safety Code for Elevators and Escalators, Part XX, except Rule 2001.10a Key Operation. (ADAAG 4.1.3; 4.1.1.2; 4.2.4, 4.5, 4.27), unless otherwise indicated in subsection (h)(1)(E).

i) Windows (Reserved). (ADAAG 4.1.2)

j) Doors

All doors to accessible spaces (as defined in Section 400.210) shall comply with the following requirements:

1) Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern. (ADAAG 4.1.3.2)

2) Gates. Gates, including ticket gates, shall meet all applicable specifications of this subsection (j). (ADAAG 4.1.3.3)

3) Double-Leaf Doorways. If doorways have two independently

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

operated door leaves, then at least one leaf shall meet the specifications in subsections (j)(4) and (5). That leaf shall be an active leaf. (ADAAG 4.13.4)

- 4) Clear Width. Doorways shall have a minimum clear opening of 32 in. (815 mm) with the door open 90 degrees, measured between the face of the door and the opposite stop (see Illustration B, Fig. 24(a), (b), (c), and (d)). Openings more than 24 in. (610 mm) in depth shall comply with Section 400.220(a) and subsection (a)(2) of this Section (see Illustration B, Fig. 24(e)).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in. (510 mm) minimum. (ADAAG 4.13.5)

- 5) Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Illustration B, Fig. 25. The floor or ground area within the required clearances shall be level and clear.

EXCEPTIONS: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Illustration B, Fig. 25) if the door is at least 44 in. (1120 mm) wide. (ADAAG 4.13.6)

- 6) Two Doors in Series. The minimum space between two hinged or pivoted doors in series shall be 48 in. (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Illustration B, Fig. 26). (ADAAG 4.13.7)

- 7) Thresholds at Doorways. Thresholds at doorways shall not exceed 3/4 in. (19 mm) in height for exterior sliding doors or 1/2 in. (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see subsection (a)(7) of this Section). (ADAAG 4.13.8)

- 8) Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in. (1220 mm) above finished floor. (ADAAG 4.13.9)

- 9) Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in. (75 mm) from the latch, measured to the leading edge of the door. (ADAAG 4.13.10)

- 10) Door Opening Force. The maximum force for pushing or pulling

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

open a door shall be as follows:

- A) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.

- B) Other doors:

- i) exterior hinged doors: 8.5 lbf (37.8N);
- ii) interior hinged doors: 5 lbf (22.2N);
- iii) sliding or folding doors: 5 lbf (22.2N).

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position. (ADAAG 4.13.11)

- 11) Automatic Doors and Power-Assisted Doors. If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1985. Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1984. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (66.6N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with subsection (j)(10) of this Section and its closing shall conform to the requirements in ANSI A156.19-1984. (ADAAG 4.13.12)

- k) Entrances

- 1) General. Entrances required to be accessible below shall be part of an accessible route complying with subsection (a) of this Section. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see subsection (a)(1)(A) of this Section). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility. (ADAAG 4.14.1) At a minimum, the requirements in subsections (k)(2) and (3) below shall be satisfied independently.

- 2) Number and Distribution

- A) At least 50% of all public entrances (excluding those in subsection (k)(3) below) must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.

- B) Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building/fire codes. (This paragraph does not require an increase in the total number of entrances planned for a facility.)

- C) An accessible entrance must be provided to each tenancy in a facility (for example, individual stores in a strip shopping center). One entrance may be considered as meeting more than one of the requirements in this subsection (k)(2). Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the building. (ADAAG 4.1.3(8)(a)(i)-(iii))

- 3) Other Entrances

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.
- B) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible. One entrance may be considered as meeting more than one of the requirements in subsection (k)(2) of this Section. Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.
- C) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.
- D) Entrances which are not accessible shall have directional signage which indicates the location of the nearest accessible entrance and meets the requirements of subsections (t)(2), (3), and (5) of this Section. (ADAAG 4.1.3(8)(b)-(d))
- 1) Drinking Fountains and Water Coolers
- 1) General. All public drinking fountains and water coolers which are provided in a public facility shall be located along an accessible route.

- 2) Single Fountain. Where only one drinking fountain is provided on a floor, there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with this Section and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under this Section and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.) (ADAAG 4.1.3(10)(a))
- 3) Other Fountains. Where more than one drinking fountain or water cooler is provided on a floor, at least 50% of those provided shall comply with the following requirements. (ADAAG 4.1.10(b))
- A) Spout Height. Spouts shall be no higher than 36 in. (915 mm), measured from the floor or ground surfaces to the spout outlet (see Illustration B, Fig. 27(a)). (ADAAG 4.15.2)
- B) Spout Location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 in. (100 mm) high so as to allow the insertion of a cup or glass under the flow of water. On an accessible drinking fountain with a round or oval bowl,

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- the spout must be positioned so the flow of water is within 3 in. (75 mm) of the front edge of the fountain. (ADAAG 4.15.3)
- C) Controls. Controls shall comply with Section 400.310(q)(4). Unit controls shall be front mounted or side mounted near the front edge. (ADAAG 4.15.4)
- D) Clearances
- i) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 17 in. to 19 in. (430 mm to 485 mm) deep (see Illustration B, Fig. 27(a) and (b)). Such units shall also have a minimum clear floor space 30 in. by 48 in. (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.
- ii) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) that allow a person in a wheelchair to make a parallel approach to the unit (see Illustration B, Fig. 27(c) and (d)). This clear floor space shall comply with Section 400.220(d). (ADAAG 4.15.5)
- m) Sinks
- 1) General. Sinks required to be accessible shall comply with the requirements of this subsection (m).
- 2) Height. Sinks shall be mounted with the counter or rim no higher than 34 in. (865 mm) above the finish floor. (ADAAG 4.24.2)
- 3) Knee Clearance. Knee clearance that is at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided underneath sinks. (ADAAG 4.24.3)
- 4) Depth. Each sink shall be a maximum of 6-1/2 in. (165 mm) deep. (ADAAG 4.24.4)
- 5) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with ADAAG 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the sink. (ADAAG 4.24.5)
- EXCEPTION: A parallel approach shall be permitted to a kitchen sink in a space where a cook top or conventional range is not provided
- 6) Exposed Pipes and Surfaces. Hot water and drain pipes exposed under sinks shall be installed or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks. (ADAAG 4.24.6)
- 7) Faucets. Lever-operated, push-type, touch-type or electronically controlled mechanisms are acceptable designs. (ADAAG 4.24.7)
- Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2N). (ADAAG 4.24.4)

n) Toilet Rooms

1) General. Public toilet rooms, required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) to have a "Minimum Number of Plumbing Fixtures" shall have accessible toilet rooms and related fixtures for each sex (excluding toilet rooms in apartments of residential occupancies) in compliance with the following requirements.

2) Accessible Route. Accessible toilet rooms shall be on an accessible route. (ADAAG 4.22.1) Design and location of plumbing fixtures shall provide the same conditions and privacy for all users.

3) Doors. All doors to accessible toilet rooms shall comply with subsection (j) of this Section. Doors shall not swing into the clear floor space required for any fixture. (ADAAG 4.22.2)

NOTE: The Illinois Accessibility Code allows, for single user toilet rooms only, doors to swing into the clear floor space required for any fixture if sufficient maneuvering space is provided within the room for a person using a wheelchair to enter and close the door, use the fixtures, reopen the door, and exit.

4) Clear Floor Space. The accessible fixtures and controls required in subsections (n)(5), (6), (7) and (8) of this Section shall be on an accessible route. An unobstructed turning space complying with Section 400.220(c) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.22.3)

5) Water Closets. If toilet stalls are provided in a room, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.22.4)

A) Toilet Stalls

i) Water Closets. Water closets in accessible stalls shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.17.2)

ii) Size and Arrangement. The size and arrangement of the standard toilet stall shall comply with Illustration B, Fig. 30(a), Standard Stall. Standard toilet stalls with a minimum depth of 56 in. (1420 mm) (see

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

Illustration B, Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least 3 in. (75 mm), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with subsection (n)(5) of this Section.

EXCEPTION: In instances of alteration work where provision of a standard stall (Illustration B, Fig. 30(a)) is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Illustration B, Fig. 30(b)) may be provided in lieu of the standard stall. (ADAAG 4.17.3)

iii) Toe Clearances. In standard stalls, the front partition and at least one side partition shall provide a toe clearance of at least 9 in. (230 mm) above the floor. If the depth of the stall is greater than 60 in. (1525 mm), then the toe clearance is not required. (ADAAG 4.17.4)

iv) Doors. Toilet stall doors, including door hardware, shall comply with subsection (j) of this Section. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of 42 in. (1065 mm) (Illustration B, Fig. 30). (ADAAG 4.17.5)

v) Grab Bars. Grab bars complying with the length and positioning shown in Illustration B, Fig. 30(a), (b), (c) and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with subsection (q) of this Section. (ADAAG 4.17.6) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.

B) Water Closets

i) Clear Floor Space. Clear floor space for water closets not in stalls shall comply with Illustration B, Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach. (ADAAG 4.16.2)

ii) Height. The height of water closets shall be 17 in. to 19 in. (430 mm to 485 mm), measured to the top of the toilet seat (see Illustration B, Fig. 29(b)).

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- Seats shall not be sprung to return to a lifted position. (ADAAG 4.16.3)
- iii) Grab Bars. Grab bars for water closets not located in stalls shall comply with subsection (q) of this Section and Illustration B, Fig. 29. The grab bar behind the water closet shall be 36 in. (915 mm) minimum. (ADAAG 4.16.4) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.
- iv) Flush Controls. Flush controls shall be hand operated or automatic and shall comply with subsection (r)(4) of this Section. Controls for flush valves shall be mounted on the wide side of toilet areas no more than 44 in. (1120 mm) above the floor. (ADAAG 4.16.5)
- v) Dispensers. Toilet paper dispensers shall be installed within reach, as shown in Illustration B, Fig. 29(b). Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used. (ADAAG 4.16.6)
- 6) Urinals. If urinals are provided, then at least one shall comply with the following requirements:
- A) Height. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in. (430 mm) above the finish floor. (ADAAG 4.18.2)
- B) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 400.220(d). Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in. (735 mm) clearance between them. (ADAAG 4.18.3)
- C) Flush Controls. Flush controls shall be hand operated or automatic, shall comply with subsection (r)(4) of this Section and shall be mounted no more than 44 in. (1120 mm) above the finish floor. (ADAAG 4.18.4)
- 7) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with the following requirements:
- A) General. The requirements of this subsection shall apply to lavatory fixtures, vanities, and built-in lavatories. (ADAAG 4.19.1)
- B) Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than 34 in. (865 mm) above the finish floor. Provide a clearance of at least 29 in. (735 mm) above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with Illustration B, Fig. 31. (ADAAG 4.19.2)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the lavatory (see Illustration B, Fig. 32). (ADAAG 4.19.3)
- D) Exposed Pipes and Surfaces. Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories. (ADAAG 4.19.4)
- E) Faucets. Faucets shall comply with subsection (r)(4) of this Section. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. If self-closing valves are used the faucet shall remain open for at least 10 seconds. (ADAAG 4.19.5)
- F) Mirrors. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 in. (1015 mm) above the finish floor (see Illustration B, Fig. 31). (ADAAG 4.19.6)
- 8) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.22.7)
- 9) Excess Toilet Rooms. When toilet rooms are provided in excess of the number required by the Illinois Plumbing Code, at least one fixture of each type (excluding urinals) in each restroom shall be accessible. If toilet stalls are provided, the "alternate stall," as depicted in Illustration B, Fig. 30(b), is acceptable.
- 10) Private Use Toilet Rooms. When toilet rooms are provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupants of a private office) such spaces shall be adaptable. (ADAAG 4.1.3(11))
- 11) Small Toilet Rooms. If the required toilet room contains only one water closet and one lavatory, a toilet stall is not required; however the room itself shall comply with subsections (n)(3) through (8) of this Section and shall be on an accessible route.
- 12) Unisex Toilet Rooms. Unisex accessible toilet rooms are permitted in new buildings only in locations as provided in the Illinois Plumbing Code and where the toilet fixtures are provided in excess of the minimum number of fixtures required by that Code. All unisex facilities shall be accessible and shall meet all space and access requirements of subsection (n) of this Section. For treatment of unisex toilet rooms in alterations, see Section 400.510(e)(1)(A).
- 13) Signage. All public toilet rooms shall be appropriately identified with signage complying with subsection (u) of this Section and the international symbol of accessibility as shown in

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Water Temperature. The temperature of the hot water at the outlets for lavatories shall not exceed 110 degrees.

o) Bathrooms, Bathing Facilities and Shower Rooms

- 1) General. If bathrooms, bathing facilities or shower rooms are provided on a site, at least one for each sex shall be on an accessible route and shall comply with the requirements below. Bathrooms, bathing facilities and shower rooms provided in conjunction with individual accessible transient lodging units or dwelling units shall meet the accessibility requirements of Section 400.320(e) or (g) or Section 400.350.
- 2) Doors. Doors to accessible bathrooms shall comply with subsection (j) of this Section. Doors shall not swing into the floor space required for any fixture. (ADAAG 4.23.2)
- 3) Clear Floor Space. The accessible fixtures and controls required in subsections (o)(4) through (9) of this Section below shall be on an accessible route. An unobstructed turning space complying with Section 400.220(c) shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.23.3)
- 4) Water Closets. If toilet stalls are provided, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.23.4)
- 5) Urinals. If urinals are provided, then at least one shall comply with subsection (n)(6) of this Section. (ADAAG 4.23.5)
- 6) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with subsection (n)(7) of this Section. (ADAAG 4.23.6)
- 7) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.23.7)
- 8) Bathing and Shower Facilities. If tubs or showers are provided, then at least one accessible tub that complies with subsection (n)(8)(A) of this Section or at least one accessible shower that complies with subsection (n)(8)(B) of this Section shall be provided. (ADAAG 4.23.8)

A) Bathtubs

- i) Floor Space. Clear floor space in front of bathtubs

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

shall be as shown in Illustration B, Fig. 33. (ADAAG 4.20.2)

- ii) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Illustration B, Fig. 33 and 34. The structural strength of seats and their attachments shall comply with subsection (q)(3) of this Section. Seats shall be mounted securely and shall not slip during use. (ADAAG 4.20.3)
 - iii) Grab Bars. Grab bars complying with subsection (q) of this Section shall be provided as shown in Illustration B, Fig. 33 and 34. (ADAAG 4.20.4)
 - iv) Controls. Faucets and other controls complying with subsection (r)(4) of this Section shall be located as shown in Illustration B, Fig. 34. (ADAAG 4.20.5)
 - v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided. (ADAAG 4.20.6)
 - vi) Bathtub Enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims. (ADAAG 4.20.7)
- B) Shower Stalls
- i) Size and Clearances. Except as specified in Section 400.320(g)(2)(B), shower stall size and clear floor space shall comply with Illustration B, Fig. 35(a) or (b). The shower stall in Illustration B, Fig. 35(a) shall be 36 in. by 36 in. (915 mm by 915 mm) (nominal dimensions). Shower stalls required by Section 400.320(g)(2)(B) shall comply with Illustration B, Fig. 57(a) or (b). The shower stall in Illustration B, Fig. 35(b) will fit into the space required for a bathtub. (ADAAG 4.21.2)
 - ii) Seat. A seat shall be provided in shower stalls 36 in. by 36 in. (915 mm by 915 mm) and shall be as shown in Illustration B, Fig. 36. The seat shall be mounted 17 in. to 19 in. (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. In a 36 in. by 36 in. (915 mm by 915 mm) shower stall, the seat shall be on the wall opposite the controls. Where a fixed seat is provided in a 30 in. by 60 in. minimum (760 mm by 1525 mm) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as shown in Illustration B, Fig. 57. The structural strength of seats and their attachments shall comply with subsection (q)(3) of this Section. (ADAAG 4.21.3)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) Grab Bars. Grab bars complying with subsection (q) of this Section shall be provided as shown in Illustration B, Fig. 37. (ADAAG 4.21.4)
- iv) Controls. Faucets and other controls complying with subsection (r)(4) of this Section shall be located as shown in Illustration B, Fig. 37. In shower stalls 36 in. by 36 in. (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat. (ADAAG 4.21.5)
- v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.
- EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in. (1220 mm) above the shower floor may be used in lieu of a hand-held shower head. (ADAAG 4.21.6)
- vi) Curbs. If provided, curbs in shower stalls 36 in. by 36 in. (915 mm by 915 mm) shall be no higher than 1/2 in. (13 mm). Shower stalls that are 30 in. by 60 in. (760 mm by 1525 mm) minimum shall not have curbs. (ADAAG 4.21.7)
- vii) Shower Enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats. (ADAAG 4.21.8)
- 9) Medicine Cabinets. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in. (1120 mm) above the floor space. The floor space shall comply with Section 400.220(d). (ADAAG 4.23.9)
- 10) Water Temperature. The temperature of the hot water at the outlets for lavatories, bathtubs, and showers shall not exceed 110 degrees.
- 11) Portable Toilets. For single user portable toilets clustered at a single location, at least 5%, but no fewer than one toilet unit complying with subsection (n) or (o) of this Section, shall be installed at each cluster whenever typical inaccessible units are provided. Accessible units shall be identified by the international symbol of accessibility. EXCEPTION: Portable toilet units at construction sites used exclusively by construction personnel are not required to comply with this Section.
- p) Storage
- 1) General. If fixed or built-in personal storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces, at least 5% of each type or at least one of each type provided shall comply with the requirements below. Additional storage may be provided outside of these dimensions. (ADAAG

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4.1.3(12)(a))
- 2) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities. (ADAAG 4.25.2)
- 3) Height. Accessible storage spaces shall be within at least one of the reach ranges specified in Section 400.220(e) and (f) (see Illustration B, Fig. 5 and Illustration B, Fig. 6). Clothes rods or shelves shall be a maximum of 54 in. (1370 mm) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds 10 in. (255 mm) (as in closets without accessible doors) the height and depth to the rod or shelf shall comply with Illustration B, Fig. 38(a) and Illustration B, Fig. 38(b). (ADAAG 4.25.3)
- 4) Hardware. Hardware for accessible storage facilities shall comply with subsection (r)(4) of this Section. Touch latches and U-shaped pulls are acceptable. (ADAAG 4.25.4)
- 5) Exception. Archival storage areas are exempt from accessibility by this Code.
- 6) Business Use. Shelves or display units allowing self-service by customers in mercantile and business areas shall be located on an accessible route complying with subsection (a) of this Section. Requirements for accessible reach range do not apply. (ADAAG 4.1.3(12)(B))
- q) Handrails, Grab Bars, and Tub and Shower Seats
- 1) General. All handrails, grab bars, and tub and shower seats required to be accessible shall comply with the requirements of this subsection (q). (ADAAG 4.26.1)
- 2) Size and Spacing of Grab Bars and Handrails. The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in. to 1-1/2 in. (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in. (38 mm) (see Illustration B, Fig. 39(a), (b), (c), and (e)). Handrails may be located in a recess if the recess is a maximum of 3 in. (75 mm) deep and extends at least 18 in. (455 mm) above the top of the rail (see Illustration B, Fig. 39(d)). (ADAAG 4.26.2)
- 3) Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:
- A) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112N) shall be less than the allowable stress for the material of the grab bar or seat.
- B) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112N) shall be less than the

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

C) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

D) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112N) plus the maximum moment from the application of 250 lbf (1112N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

E) Grab bars shall not rotate within their fittings. (ADAAG 4.26.3)

4) Eliminating Hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in. (3.2 mm). (ADAAG 4.26.4)

r) Controls and Operating Mechanisms

1) General. Where controls and operating mechanisms are provided in accessible spaces, along accessible routes or as parts of accessible elements (for example, light switches and dispenser controls), operable parts and controls shall comply with the requirements of this subsection (r). (ADAAG 4.1.3(13))

2) Clear Floor Space. Clear floor space complying with Section 400.220(d) that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment. (ADAAG 4.27.2)

3) Height. The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in Section 400.220(e) and (f). Electrical and communications system receptacles on walls shall be mounted no less than 15 in. (380 mm) above the floor.

EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants. (ADAAG 4.27.3)

4) Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N). (ADAAG 4.27.4)

s) Alarms

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

1) General. Where emergency warning systems or alarms are provided or required by an applicable State or local building code, life safety code or fire protection regulation, such systems shall comply with the requirements below and shall be both audible and visual. Visual alarms shall be arranged so the flashing light beam can be seen at the required level of intensity from all common use areas. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas: restrooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use. (ADAAG 4.28.1)

2) Audible Alarms. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 dBA or exceeds any maximum sound level with a duration of 60 seconds by 5 dBA, whichever is louder. Sound levels for alarm signals shall not exceed 120 dBA. (ADAAG 4.28.2)

3) Visual Alarms. Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided then single station visual alarm signals shall be provided. Visual alarm signals shall comply with the requirements of U.S. Architectural and Transportation Barriers Compliance Board Bulletin #: Visual Alarms.

4) Auxiliary Alarms. Units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided. (ADAAG 4.28.4)

t) Detectable Warnings

Detectable warnings shall be provided as follows:

1) Detectable Warnings on Walking Surfaces. Detectable warning features on walking surfaces shall consist of exposed aggregate concrete, cushioned surfaces made of rubber or plastic, raised strips, or grooves. Features shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Illustration B, Fig. 40.

2) Tactile Warnings on Doors to Hazardous Areas. Doors that lead to areas that might prove dangerous to a person who is visually impaired (for example, doors to loading platforms, boiler rooms, stages, etc.) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas. See definition of "Hazardous Area".
- 3) Detectable Warnings at Stairs. All stairs, except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel shall have a detectable warning at the top of stair runs (see Illustration B, Fig. 41).
 - 4) Detectable Warnings at Hazardous Vehicular Areas. If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous, detectable warning texture, which is 36 in. (915 mm) wide, complying with subsection (t)(1) of this Section. (ADAAG 4.29.5)
 - 5) Detectable Warnings at Reflecting Pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or detectable warnings complying with subsection (t)(1) of this Section. (ADAAG 4.29.6)
 - 6) Standardization. Textured surfaces for detectable warnings shall be standard within a building, facility, site, or complex of buildings.
- u) Signage
- Accessible signage shall comply with the following applicable provisions:
- 1) Character Proportion. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10. (ADAAG 4.30.2)
 - 2) Character Height. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. When signs are suspended or projected overhead in compliance with subsection (a)(4) of this Section, minimum character height shall be 3 inches or 75mm.
 - 3) Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms). Letters and numerals shall be raised 1/32 in. (3.2 mm) upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in. (16 mm) high, but no higher than 2 in. (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in. (152 mm) minimum in height. (ADAAG 4.30.4)
 - 4) Finish and Contrast. The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background - either light characters on a dark background or dark characters on a light background. (ADAAG 4.30.5)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Mounting Location and Height. Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in. (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in. (76 mm) of signage without encountering protruding objects or standing within the swing of a door. (ADAAG 4.30.6)
- 6) Symbols of Accessibility
 - A) Facilities and elements required to be identified as accessible by this Code shall use the international symbol of accessibility. The symbol shall be displayed as shown in Illustration B, Fig. 43(a) and (b).
 - B) Volume Control Telephones. Telephones required to have a volume control by subsection (v)(5) of this Section shall be identified by a sign containing a depiction of a telephone handset with radiating sound waves.
 - C) Text Telephones. Text telephones required by subsection (v)(9) of this Section shall be identified by the international TDD symbol (Illustration B, Fig. 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).
 - D) Assistive Listening Systems. In assembly areas where permanently installed assistive listening systems are required by Section 400.320(a)(6) the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Illustration B, Fig. 43(d)). (ADAAG 4.30.7)
- 7) Illumination Levels. (Reserved). (ADAAG 4.30.8)
- 8) Signage for Particular Elements or Spaces. Elements and spaces of accessible facilities which shall be identified by the international symbol of accessibility and which shall comply with subsection (u)(6)(A) of this Section are:
 - A) Parking spaces designated as reserved for individuals with disabilities (see subsection (c)(7) of this Section);
 - B) Accessible passenger loading zones;
 - C) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance);
 - D) Accessible toilet rooms, bathing facilities, and shower

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

facilities when not all are accessible (inaccessible facilities shall have directional signage to indicate the route to the nearest accessible toilet room, bathing or shower facilities).

- 9) Directional or Informational Signage. Signs which provide direction to or information about functional spaces of the building shall comply with subsections (u)(1), (2) and (4) of this Section. (ADAAG 4.1.3(16)(b)) Where such signage conveys emergency information, it shall also have tactile characters or symbols.

- 10) Permanent Room Signage. Signs which designate permanent rooms and spaces shall comply with subsections (u)(3), (4) and (5) of this Section. (ADAAG 4.1.3(16)(a))

- 11) TDD Signage. Signs identifying "TDD Access" as required by subsection (u)(6) of this Section shall be provided. Signage shall comply with subsection (u)(6) of this Section but need not be tactile. Signage shall be mounted 54 in. (1370 mm) to 60 in. (1525 mm) above the floor.

- 12) Other Signage. Where other graphics or signage is provided, it shall comply with subsections (u)(1) through (6) of this Section, but need not have tactile characters or symbols. EXCEPTION: Building directories, menus and all other signs which are temporary are not required to comply. (ADAAG 4.1.3(16))

v) Telephones

- 1) General. If public pay telephones, public closed-circuit telephones, or other public telephones are provided, then such telephones shall comply with the requirements of subsections (v)(2) through (8) of this Section to the extent required by the following table:

NUMBER OF EACH TYPE OF TELEPHONE PROVIDED ON EACH FLOOR	NUMBER OF TELEPHONES REQUIRED TO COMPLY WITH SECTION 400.310(v)(2) THROUGH (8)(1)
---	---

One or more single unit	One per floor
-------------------------	---------------

One bank(2)	One per floor
-------------	---------------

Two or more banks(2)	One per bank. Accessible unit may be installed as a single unit in proximity (either visual or with signage) to bank. At least one public telephone per floor shall meet the requirements of a forward reach telephone.(3)
----------------------	--

TABLE NOTES:

- (1) Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

forward or side reach telephones.
(2) A bank consists of two or more adjacent public telephones, often installed as a unit.

- (3) EXCEPTION: For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with subsection (v) of this Section). (ADAAG 4.1.3(17)(a))

- 2) Clear Floor or Ground Space. A clear floor or ground space at least 30 in. by 48 in. (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with Section 400.220(d). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs. (ADAAG 4.31.2)
3) Mounting Height. The highest operable part of the telephone shall be within the reach ranges specified in Section 400.220(e) or (f). (ADAAG 4.31.3)

- 4) Protruding Objects. Telephones shall comply with subsections (a)(4) and (10) of this Section. (ADAAG 4.31.4)

- 5) Hearing Aid Compatible and Volume Control Telephone Requirements
A) Telephones shall be hearing aid compatible.
B) All telephones required to be accessible shall be equipped with a volume control. Volume controls, capable of a minimum of 12 dB and a maximum of 18 dB above normal, shall be provided. If an automatic reset is provided then 18 dB may be exceeded. In addition, 25%, but never less than one, of all other public telephones provided shall be equipped with a volume control and shall be disbursed among all types of public telephones, including closed-circuit telephones, throughout the building or facility. Volume control telephone signage complying with the applicable provisions of subsection (u)(6) of this Section shall be provided. (ADAAG 4.1.3(17)(b) and 4.31.5)

- 6) Controls. Telephones shall have pushbutton controls where service for such equipment is available. (ADAAG 4.31.6)

- 7) Telephone Books. Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in Section 400.220(e) and (f). (ADAAG 4.31.7)

- 8) Cord Length. The cord from the telephone to the handset shall be at least 29 in. (735 mm) long. (ADAAG 4.31.8)

- 9) Text Telephone Requirements. The following text telephones or other equipment shall be provided and each such location shall be identified with signage complying with the applicable provisions of subsection (u)(6) of this Section and Figure 43.
A) If a total number of four or more public pay telephones (including both interior and exterior telephones) is

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

provided at a site, and at least one is in an interior location, then at least one interior public text telephone shall be provided.

B) If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center or in a covered mall, at least one interior public text telephone shall be provided in the facility.

C) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public text telephone shall be provided at each such location.

D) Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with subsection (v)(9)(F) of this Section.

E) Text telephones used with a pay telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

F) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have 6 in. (152 mm) minimum vertical clearance in the area where the text telephone is to be placed.

G) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a 24-hour basis for use with nearby public pay telephones. In this instance, at least one pay telephone shall comply with subsection (v)(2) of this Section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with subsection (u)(6) of this Section. (ADAAG 4.1.3(17)(c))

w) Fixed or Built-in Seating, Tables and Work Surfaces

1) General. If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least 5%, but not fewer than one, of the fixed or built-in seating areas or tables shall comply with this Section. An accessible route shall lead to and through such fixed or built-in seating

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

areas or tables. (ADAAG 4.1.3(18))

2) Seating. If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with Section 400.220(d) shall be provided. Such clear floor space shall not overlap knee space by more than 19 in. (485 mm) (see Illustration B, Fig. 45). (ADAAG 4.32.2)

3) Knee Clearances. If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided (see Illustration B, Fig. 45). (ADAAG 4.32.3)

4) Height of Tables or Counters. The tops of accessible tables and counters shall be from 28 in. to 34 in. (710 mm to 865 mm) above the finish floor or ground. (ADAAG 4.32.4)

5) Auxiliary Counters. Where service counters exceeding 34 in. (865 mm) in height are provided as standing counters, an auxiliary surface counter or other space suitable for the business transaction by an environmentally limited person shall be provided in the immediate vicinity and provide the same services. The auxiliary counter-top shall comply with this subsection (w).

(Source: Amended at 21 Ill. Reg. 14502, effective 11/1/01)

Section 400.420 Exemptions

Section 400.330 exemptions for new construction are applicable to additions. Additions to all buildings or parts of buildings are exempted in Section 400.330 from applicability of the minimum requirements for new construction.

(Source: Amended at 21 Ill. Reg. 14502, effective 11/1/01)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pupil Transportation
- 2) Code Citation: 23 Ill. Adm. Code 275
- 3) Section Number: Adopted Action:
275.10 Amendment
275.60 Repeal
275.100 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: October 28, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: October 31, 1997
- 9) Notice of Proposal Published in Illinois Register: June 13, 1997; 21 Ill. Reg. 6943
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR and no agreement letter was issued.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments respond to P.A. 89-151, which was enacted in 1995 and requires school districts to calculate their fully allocated costs for transportation. The purpose of that calculation is to permit comparison of districts' costs with those of vendors who wish to bid on the provision of transportation services. Language is being added to Section 275.100 to acknowledge this new obligation on the part of school boards.

We are also taking advantage of this opportunity to streamline other parts of these rules. The definition of "school bus" in the Vehicle Code has changed, and it is preferable to refer the reader to the Vehicle Code

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

rather than repeating the statutory language in our rules. In addition, Section 275.60 is being repealed because various parts of the Vehicle Code convey all this information.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Marcia Sailsbury
Address: Division of Funding and Reimbursements
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
Telephone: (217) 782-5256

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER h: TRANSPORTATION

PART 275

PUPIL TRANSPORTATION

Section	Definition of a School Bus
275.10	Routing
275.20	Annual Medical Examination and Certificate (Repealed)
275.30	Permit Application Process (Repealed)
275.40	Hearings (Repealed)
275.50	Vehicles Designed to Carry Nine Passengers or Less Excluding the Driver (Repealed)
275.60	Issuance of Permit (Repealed)
275.70	Training
275.80	Bus Safety Training for Students
275.90	Responsibility of Local School Boards
275.100	Operating a School Bus
275.110	Special Education

AUTHORITY: Implementing Section 27-26 and Article 29 of the School Code [105 ILCS 5/27-26 and Art. 29], Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182], Sections 6-104(b) and (d) and 6-106.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-104(b) and (d) and 6-106.1], and Sections 11-406, 11-1202, and 11-1414 of the Illinois Rules of the Road [625 ILCS 5/11-406, 11-1202, and 11-1414] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6] and Section 12-812(b) of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812(b)].

SOURCE: Illinois School Bus Transportation Rules and Regulations, amended April 18, 1974; rules repealed, new rules adopted at 2 Ill. Reg. 37, p. 201, effective September 25, 1978; codified at 7 Ill. Reg. 16507; amended at 13 Ill. Reg. 1532, effective January 23, 1989; emergency amendment at 14 Ill. Reg. 6411, effective April 17, 1990, for a maximum of 150 days; emergency expired September 14, 1990; amended at 14 Ill. Reg. 17954, effective October 18, 1990; amended at 19 Ill. Reg. 16545, effective December 5, 1995; amended at 21 Ill. Reg. 14545, effective 14545.

Section 275.10 Definition of a School Bus

The definition of a school bus shall be as set forth in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

a) ~~School--bus means every motor vehicle, except as provided in paragraph (b) below, owned or operated by or for any of the following entities for the transportation of persons--regularly enrolled in any such~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~entity as students in grade 12 or below in connection with any activity of the entity--a school operated by a religious institution or a public or private nursery, primary or secondary school--the definition of (a) does not include the following:~~

- 1) ~~A bus operated by a public utility--municipal corporation or common carrier--authorized to conduct local or interurban transportation of passengers when the bus is on a regular scheduled route for the transportation of other fare-paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route~~
- 2) ~~A religious organization bus as defined in Ill. Rev. Stat., 1981 ch. 95-1/2, par. 1-102.~~
- 3) ~~A motor vehicle designed for carrying not more than 9 passengers which is not registered as a school bus under Ill. Rev. Stat., 1981 ch. 95-1/2, par. 3-808.~~

(Source: Amended at 21 Ill. Reg. 14545, effective 14545.)

Section 275.60 Vehicles Designed to Carry Nine Passengers or Less Excluding the Driver (Repealed)

- a) ~~The driver must have a current and properly classified driver's license and be at least 21 years of age with a minimum of one year's driving experience.~~
- b) ~~The driver who transports students on a regular basis for a school district must have an annual physical examination on file with the regional superintendent.~~
- c) ~~Proof of adequate insurance coverage shall be available at the school district office.~~
- d) ~~The owner must submit the vehicle to a testing lane and successfully pass inspection twice annually.~~

(Source: Repealed at 21 Ill. Reg. 14545, effective 14545.)

Section 275.100 Responsibility of Local School Boards

- a) Each local board of education shall designate a person under its direct supervision to ensure that all laws and regulations affecting safe pupil transportation are adhered to.
- b) A map or written description which designates each school bus route, the regular stops, railroad crossings, and other pertinent information shall be maintained.
- c) A record of emergency evacuation drills shall be maintained.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) Evidence of adequate insurance protection shall be maintained by the local education agency.
- e) A current list and employment record of all school bus drivers shall be maintained by the local education agency for which transportation is being provided. Regional superintendents shall require that this information be provided to their office.
- f) Local school boards shall institute policies and practices which promote the safety and well-being of school bus passengers including provisions which support Section 10-22.6(b) of the The School Code [105 ILCS 5/10-22.6(b)]. ~~7-Section 10-22-6(b)7-~~
- g) In case of a death which occurs as a result of a school bus accident, the local education agency shall immediately contact the regional superintendent by telephone.
- h) Local school boards of districts that provide transportation of pupils on buses that are owned by the district and operated by drivers employed by the district shall comply with the requirements of Section 29-6.3 of the School Code [105 ILCS 5/29-6.3]. The district's fully allocated costs for the direct provision of transportation shall be calculated in accordance with applicable provisions of the State Board of Education's rules for Pupil Transportation Reimbursement (see 23 Ill. Adm. Code 120.115).

(Source: Amended at 21 Ill. Reg. 14549, effective 10/1/97)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Youth Hunting Season for White-Tailed Deer
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) Section Numbers: 685.10
Adopted Action: Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Rulemaking: October 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 24, 1997
- 9) Notice of Proposal Published in Illinois Register: August 1, 1997, 21 Ill. Reg. 10001
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Section 685.10(a) was changed to read: Season: Noon on Saturday of the State designated Columbus Day Holiday weekend to sunset on Sunday of that weekend. Shooting hours are one-half hour before sunrise to sunset.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: When this Part was adopted the hunt was held on the weekend after October 11, which was the Saturday and Sunday before the Columbus Day Holiday. It has been determined that the hunt should continue to be held on this weekend. To eliminate the necessity of amending this rule annually, the date is being removed and language indicating that the hunt will be held on the weekend preceding the Columbus Day holiday is being added.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 685

YOUTH HUNTING SEASON FOR WHITE-TAILED DEER

Section

685.10 Statewide Season

685.20 Statewide Deer Permit Requirements

685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

685.40 Statewide Deer Hunting Rules

685.50 Reporting Harvest

685.60 Rejection of Application/Revocation of Permits

685.70 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14549, effective 1/1/00.

Section 685.10 Statewide Season

- a) Season: Noon on Saturday of the State designated first-weekend Columbus Day Holiday weekend (~~Saturday-and-Sunday~~) ~~that--begins--after~~ ~~October--11~~ to sunset on Sunday of ~~that this weekend~~. Shooting hours are one-half hour before sunrise to sunset.
- b) The Department of Natural Resources (Department) shall open a select county or counties to harvest surplus deer via youth deer hunting using shotgun or muzzleloader. The Department shall notify the public which county or counties will be open via a news release.

(Source: Amended at 21 Ill. Reg. 14549, effective 1/1/00)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Practice and Procedure for Hearings Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) Section Numbers: Adopted Action:
 1910.30 Amended
 1910.66 Amended
 1910.67 Amended
 1910.75 Amended
 1910.76 New Section
 1910.80 Amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Amendments: October 27, 1997.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 27, 1997.
- 9) Date Notice of Proposed Rules was Published in the Illinois Register: August 1, 1997, at 21 Ill. Reg. 10004
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: There were only three minor changes made between the proposal and the final version. These changes consisted of the following: deleting the word "petitioner" and substituting the word "contesting party," (1910.30(f)); changing the word "may" to "shall," (1910.75(f)(3)); and deleting the phrase "a copy of the denial received by the requester," (1910.75(i)(2)).
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace Emergency Amendments currently in effect?
 No
- 14) Are there any amendments pending on this part? Yes
- 15) Summary and Purpose of Amendments: Section 1910.30 Petitions -

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Applications: This Section is amended to replace language pertaining to the submission of photographs of the subject property which is the subject of the appeal. The new language states that a photograph "should" be submitted when beneficial, which replaces the language stating a photograph "shall" be submitted.

Section 1910.66 Rebuttal Evidence: This section is amended to clarify the Board's policy on the submission of rebuttal evidence. More specifically, the procedure of calculating the 30 day time period is clarified.

Section 1910.67 Hearings: This section is amended to strengthen and expand the authority of our hearing officers with current practices and to eliminate duplicative wording.

Section 1910.75 Access to Board Records: This section is amended to establish a formal policy and procedure for the Board to accept and properly respond to requests from the public regarding information covered under the Freedom of Information Act. This section is also designed to establish a policy which will be in compliance with the Freedom of Information Act. In addition, subsection (b) and (c) are deleted, while subsection (b) is replaced and renumbered in Section 1910.76.

Section 1910.76 Publication of Annual Synopsis: This section is renumbered from Section 1910.75 and amended to make copies of the synopsis available to the public at no charge.

Section 1910.80 Forms: This section is amended to make grammatical and technical changes in the wording of the language. The county assessor's offices title was also added to reflect the appropriate title of the chief assessment officer in Cook County.

- 16) Information and questions regarding this amended part shall be directed to:

James W. Chipman - Executive Director
 Property Tax Appeal Board
 Rm. 402, Stratton Office Building
 401 S. Spring St.
 Springfield, Illinois 62706
 (217) 782-6076

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR HEARINGS BEFORE THE PROPERTY TAX APPEAL BOARD

Section	Construction and Definitions
1910.5	Statement of Policy
1910.10	Correspondence
1910.20	Computing Time Limits
1910.25	Petitions - Application
1910.30	Board of Review Response to Petition Application
1910.40	Determination of Appealed Assessment
1910.50	Interested Parties - Intervention
1910.60	Burdens of Proof
1910.63	Documentary Evidence
1910.65	Rebuttal Evidence
1910.66	Hearings
1910.67	Subpoenas
1910.68	Sanctions
1910.69	Representation at Hearings
1910.70	Access to Board Records - Freedom of Information Procedures
1910.75	Publication of Annual Synopsis
1910.76	Forms
1910.80	Practice Rules
1910.90	Separability
1910.95	

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14554, effective 11-2-97.

Section 1910.30 Petitions - Application

- a) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the decision of the board of review (Section 12-50 of the Code). Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.
- b) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the application of final adopted township equalization factors by the board of review.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.

- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. Such request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or his attorney, and shall be filed with the Clerk of the Property Tax Appeal Board.
- e) A copy of the written notice of the decision of the board of review shall be filed with the petition, if one has been issued.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. All written and documentary evidence must be submitted in duplicate with the petition. A photograph of the subject property should ~~shall~~ be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, he must submit a letter requesting an extension of time with the petition. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.
- h) Every petition for appeal shall state the facts upon which the contesting party bases his objection to the decision of the board of review, together with a statement of the contentions of law which he desires to raise. Each petition must also set forth the assessment for the subject property which the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by him or his attorney, together with his telephone number. The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days of any such change.
- j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.
- k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 20 days after the date of the return of the petition. If the returned petition is not resubmitted within the 20 day period, the appeal will be dismissed from consideration by the Board. Petitions which are not signed, petitions which do not state the assessed valuation assigned by the local assessor and the board of review, petitions which do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required herein, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.
- l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition to the board of review and to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.
- m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of such completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

(Source: Amended at 21 Ill. Reg. 14551, effective 01/01/1997)

Section 1910.66 Rebuttal Evidence

- a) Upon receipt of the argument and accompanying documentation filed by a party, any other party may, within 30 days after the postmark date of the Board's notice after--receipt-, file written or documentary

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

rebuttal evidence. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party, and must tend to explain or contradict or disprove evidence offered by an adverse party.

b) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(Source: Amended at 21 Ill. Reg. 14551, effective 01/01/1997)

Section 1910.67 Hearings

- a) By statute, the Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with these rules to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing hearings at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) In all cases where a change in assessed valuation of \$300,000 or more is sought, the Property Tax Appeal Board shall order a prehearing conference on the motion of any party to the appeal. In all appeals the Board may set a prehearing conference to promote the narrowing of issues, stipulations, and judicial economy. The Board's determination will be based on the complexity of the appeal, the issues in controversy, and the potential for settlement. This hearing will be designed to ascertain the positions of the parties and to reach agreements on stipulations of fact, admission of documents and all other matters that will expedite the hearing and determination of the appeal whenever the cases have been set for hearing by the Board and one or more factual or legal issues exist which can be resolved at a

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

prehearing conference. The Board shall issue a prehearing order resolving matters agreed to and rulings as to disputed matters. The order shall be served at the same time upon all parties and shall control the subsequent course of the proceeding.

f) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.

g) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.

h) Authority of the Board and designated Hearing Officers Power-of-the-Property-Tax-Appeal-Board-during-hearings.

1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including to:

- A) To conduct hearings and pre-hearing conferences Conduct--and control-the-procedure-of-the-hearing;
 - B) To admit Admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer Administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require Require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal; and
 - E) To require Require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
 - G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board The-Board-shall-cause-its-Hearing-Officer-to-conduct-hearings-on-its-behalf-and-report-his-findings-for-affirmation-or-rejection--Any-such-Hearing-Officer shall be empowered to exercise the full authority of the Board with respect to the

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

conduct and control of the proceeding.

i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.

j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.

k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:

- 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
- l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.
- m) All testimony taken at the hearing shall be under oath or affirmation. The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.
- n) In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his own expense. The original certified transcript of such hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible but no later than within 60 days after the hearing.
- o) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

record.

(Source: Amended at 21 Ill. Reg. 14551, effective 10/3/93.)

Section 1910.75 Access to Board Records - Freedom of Information Procedures

a) Board Policy.

This Section is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Section is to support the policy of providing public access to public records in the possession of the Property Tax Appeal Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

b) Definitions.

- 1) FOIA - the Freedom of Information Act.
- 2) Freedom of Information Officer - the individual responsible for receiving and responding to requests for public records.
- 3) Requester - a person who submits a request for public records in accordance with this Section.
- 4) Working days - calendar days other than Saturdays and Sundays and legal State holidays.
- c) Person to whom requests are submitted.
Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to the following address:

Freedom of Information Officer
Illinois Property Tax Appeal Board
402 Stratton Building
401 South Spring Street
Springfield IL 62706
ATTN: FOIA Request

d) Form and contents of requests.

- 1) Requests in accordance with the FOIA and this Section shall be in writing. Such requests shall be submitted on FOIA request forms provided by the Board.
- 2) Oral requests are not precluded by the FOIA; neither are they governed by it.
- 3) The requester shall provide the following information in a request for public records:
 - A) The requester's full name, address, and telephone number;
 - B) A brief description of the public records sought, being as specific as possible; and
 - C) Whether the request is for inspection of public records, copies of public records, or both.
- e) Inspection of records at the Board's offices.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Generally, public records will be available for inspection at the Board's offices in Springfield or Des Plaines between the hours of 8:30 AM and 5:00 PM Monday through Friday, except on State holidays. Space will be provided for the requester to inspect public records.
- 2) An employee of the Board may be present throughout the inspection.
- 3) A requester shall not be permitted to take briefcases, bags, folders or other similar materials, or pens, into the inspection area.
- 4) A requester will be permitted to take pencils and paper into the inspection area.
- 5) Documents which the requester wishes to have copied shall be segregated during the course of inspection. Generally, all copying will be done by Board employees.

f) Copies of public records.

- 1) Copies of public records shall be provided to the requester only upon payment of any charges that are due.
- 2) Fees for copies of public records shall be assessed in accordance with Section 6(a) of the FOIA. A schedule of fees will be available in each of the Board's offices as required by Section 4 of the FOIA. Fees may be reduced or waived if the requester satisfies the criteria set forth in Section 6(b) of the FOIA.
- 3) Fees shall be waived if the requester is a State agency, a constitutional officer, or member of the General Assembly.
- 4) Payment shall be made by check or money order payable to the Illinois Property Tax Appeal Board and sent to the Freedom of Information Officer.
- 5) If the requester is unwilling or unable to pick up the copies of requested records at the Board's offices, the requester shall bear mailing or shipping costs.

g) Time for response.

- 1) The Freedom of Information Officer shall respond to a written request for public records within 7 working days after receipt of such request.
- 2) In the event the request for public records cannot be responded to within 7 days for one of the reasons provided in Section 3(d) of the FOIA, the Board shall have an additional 7 working days in which to respond. The Board shall give the requester notice of the extension of time to respond. Such notice of extension shall set forth the reasons why the extension is necessary.

h) Types of Board responses.

- 1) The Freedom of Information Officer shall respond to a request for public records in one of three ways:
 - A) approve the request;
 - B) approve in part and deny in part; or
 - C) deny the request.
- 2) Upon approval of a request for public records, the Freedom of

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Information Officer may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.

- 3) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairman of the Board.
 - 4) Categorical requests creating an undue burden upon the Board shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.
 - 5) Failure to respond to a written request within 7 working days may be considered by the requester a denial of the request.
- i) Appeal of a denial.
- 1) A requester whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Chairman of the Board. The Notice of Appeal shall be in writing and shall be addressed to the Board's Springfield office, attention: Chairman (FOIA Appeal).
 - 2) The Notice of Appeal shall include a copy of the original request and a written statement setting forth the reasons why the requester believes the appeal should be granted.
- j) Chairman's response to denial.
- The Chairman shall respond to an appeal within 7 working days after receiving a Notice of Appeal. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requester as an affirmation of the denial.
- a) Subject-to-the-rights-and-protections-of-the-Freedom-of-Information Act--the-official-record-in-each-appeal-decided-by-the Board-and-not-pending-in-the-courts-of-this-State-shall-be-available for-public-inspection-upon-making-a-written-request-with-the-Board.
- b) The-Property-Tax-Appeal-Board-shall-publish-annually-a-volume containing-synopses-of-representative-cases-decided-by-the-Board during-that-year-the-publication-shall-be-organized-by-or cross-referenced-by-the-issue-presented-before-the-Board-in-each decision-contained-in-the-publication-Copies-shall-be-available-at-a reasonable-cost.
- c) Inspection-of-any-files-and-documents-shall-be-permitted-only-at-the offices-of-the-Board.

(Source: Amended at 21 Ill. Reg. 14561, effective 11/2/80)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 1910.76 Publication of Annual Synopses

The Property Tax Appeal Board shall publish annually a volume containing synopses of representative cases decided by the Board during that year. The publication shall be organized by or cross-referenced by the issue presented before the Board in each decision contained in the publication. Copies shall be made available to the public at no charge.

(Source: Added at 21 Ill. Reg. 14561, effective 11/2/80)

Section 1910.80 Forms

All forms issued pursuant to this Part will be available at the offices of the Property Tax Appeal Board and at the county boards of review and supervisor of assessments or county assessor's offices ~~County-Boards-of-Review-and-Supervisor of-Assessments-Offices~~. Only the prescribed forms of the Property Tax Appeal Board may be used.

(Source: Amended at 21 Ill. Reg. 14561, effective 11/2/80)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Public Use of the Capitol Complex Facilities

2) Code Citation: 71 Ill. Adm. Code 2005

3) Section Number(s): Adopted Action:
2005.40 Amendment

4) Statutory Authority: Authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

5) Effective Date of Rule: October 23, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: October 23, 1997

9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 9727, July 25, 1997

10) Has JCAR issued a State of Objections to these amendments? No

11) Differences between proposal and final version: Changes title of Part, and limits displays to two weeks within a six month period.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Specifies locations and time frames for first amendment displays in the Capitol Complex to ensure the preservation and dignity of these buildings.

16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman, Assistant Counsel
Room 298, Howlett Building
Springfield, Illinois 62756
217/785-3094

The full text of the Adopted Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATE

PART 2005

PUBLIC USE OF THE CAPITOL COMPLEX FACILITIES THE USE OF THE CAPITOL COMPLEX FACILITIES

Section	Applicability
2005.10	Definitions
2005.20	Business Hours and Public Access
2005.30	Prohibited Activities
2005.40	Demonstrations
2005.50	Use of Buildings for Non-Demonstration Activity or Fund Raising Events
2005.60	Distribution of Leaflets and Solicitations of Funds
2005.70	Secretary of State Police Department
2005.80	Severability
2005.90	

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 14505, effective 1/1/98.

Section 2005.40 Prohibited Activities

- a) No animals, except guide dogs to assist handicapped persons, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the Howlett Center Building, or the Stratton Building, except as provided in subsection (h) of this Section.
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No banners, posters, placards, signs or symbols ~~posters or signs~~ may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.
- e) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d). Permission will be granted

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- f) for demonstration only.
- g) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols ~~signs or posters~~ for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.
- g) No banner, posters, placard, signs or symbols may be displayed for more than two weeks within a six month period.

h) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d). Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director, which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the ~~Howlett Centennial~~ Building and the Capitol Building, in the north front of the Howlett ~~Centennial~~ Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.

i) ~~h)~~ The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.

j) ~~i)~~ The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 85dB(A). If the noise level from these persons exceeds this limit, the Director shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).

k) ~~j)~~ No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds ~~groups~~ thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.

l) ~~k)~~ No skateboard ~~skateboarding~~ riding is allowed in the Capitol Complex.

(Source: Amended at 21 Ill. Reg. 14563, effective 11/2/1997)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers: Emergency Action:
3000.405 Amend
3000.1126 Amend

4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]

5) Effective Date: October 22, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not Applicable

7) Date Filed in Agency's Principal Office: October 22, 1997

8) Reason for Emergency: These emergency amendments concerning disqualification of administrative law judges are required by Section 10-30 of the Illinois Administrative Procedure Act [5 ILCS 100/10-30]. Any delays in administrative hearings caused by the absence of an adopted rule regarding the disqualification of administrative law judges threatens the public interest in the expeditious resolution of administrative hearings that impact State and local gaming revenues and determine the suitability of persons involved in riverboat gambling in Illinois.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments require a hearing officer to disqualify himself or herself upon motion and satisfactory proof of bias or conflict of interest submitted by a petitioner in an administrative hearing.

10) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
3000.100	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.150	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.220	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.221	New	October 10, 1997 (21 Ill. Reg. 13444)
3000.405	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.410	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.600	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.660	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.1070	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.1125	Amendment	October 10, 1997 (21 Ill. Reg. 13444)
3000.1126	Amendment	October 10, 1997 (21 Ill. Reg. 13444)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

11) Statement of the Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Mareille B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
312/814-4700

The full text of the Emergency Amendments begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE

CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000

RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job Applicants
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

3000.282 Seizure of Gaming Devices (Repealed)
 3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
 3000.284 Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section
 3000.300 General Requirements - Internal Control System
 3000.310 Approval of Internal Control System
 3000.320 Minimum Standards for Internal Control Systems
 3000.330 Review of Procedures (Repealed)
 3000.340 Operating Procedures (Repealed)
 3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section
 3000.400 Coverage of Subpart
 3000.405 Requests for Hearings
EMERGENCY
 3000.410 Appearances
 3000.415 Discovery
 3000.420 Motions for Summary Judgment
 3000.424 Subpoena of Witnesses
 3000.425 Proceedings
 3000.430 Evidence
 3000.431 Prohibition on Ex Parte Communication
 3000.435 Sanctions and Penalties
 3000.440 Transmittal of Record and Recommendation to the Board
 3000.445 Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section
 3000.500 Time of Excursion
 3000.510 Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section
 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards
 3000.602 Disposition of Unauthorized Winnings
 3000.605 Authorized Games
 3000.606 Gaming Positions
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

3000.614 Tournaments, Enhanced Payouts and Give-aways
 3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-In
 3000.620 Submission of Chips for Review and Approval
 3000.625 Chip Specifications
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.635 Issuance and Use of Tokens for Gaming
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips
 3000.655 Destruction of Chips and Tokens
 3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.666 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Surveillance Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commission
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Deposits of Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
EMERGENCY	
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. ~~14506~~, effective October 22, 1997, for maximum of 150 days.

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

PLACEMENT ON EXCLUSION LIST

Section 3000.405 Requests for Hearings

a) All requests for hearings must:

- 1) Be in writing;
- 2) State the name, current address and current telephone number of the petitioner; and
- 3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensing or transfer of ownership, that the petitioner is suitable for licensure or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of licensure the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted; and
- 4) ~~Be~~ **All requests for hearings must be** verified. Such verification shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

- b) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of license. A request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.

1) The petitioner may submit a request for hearing by:

- A) Personal Delivery;
- B) Certified Mail, postage prepaid; or
- C) Overnight express mail, postage prepaid.
- 2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.
- 3) A request for hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than five days after date of delivery of a Notice of Denial or Restriction in accordance with the Act, or 30 days after service of the Notice of Exclusion.
- c) A request for hearing should be deemed granted, unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case.
- d) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in

ILLINOIS GAMING BOARD

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

the best interests of the public and the Gaming industry. If the Board allows an applicant to withdraw a hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the Petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in the entry of a default judgment against Petitioner.

e) The Chairman of the Board may appoint a Board member or an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

f) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may move to disqualify the assigned Administrative Law Judge. A prior adverse ruling or rulings against the petitioner or its representative in another matter or matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory proof submitted by the petitioner in support of the motion to disqualify, the Administrative Law Judge shall immediately disqualify himself or herself and submit the case to the Board for reassignment.

(Source: Emergency amendment at 21 Ill. Reg. 14536, effective October 22, 1997)

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section 3000.1126 Appointment of Hearing Officer
EMERGENCY

a) The Chairman of the Board may appoint a Board member or an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart.

b) If the petitioner believes the Administrative Law Judge is biased or has conflict of interest, the petitioner may move to disqualify the assigned Administrative Law Judge. A prior adverse ruling or rulings against the petitioner or its representative in another matter or matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory proof submitted by the petitioner in support of the motion to disqualify, the Administrative Law Judge shall immediately disqualify himself or herself and submit the case to the Board for reassignment.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Peremptory Action:

125.180	Amended
125.260	Amended
125.270	Amended
125.280	Amended
125.330	Amended
125.380	Amended
125.390	Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule of Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 62 FR 45016 and 62 FR 43631.

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].

6) Effective Date: October 22, 1997

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is amending the federal meat and poultry products inspection regulations by removing the requirements for prior approval for equipment used in official establishments. FSIS is also ending its prior approval of most establishment-operated partial quality control programs which are used by establishments to control certain kinds of food processing and product characteristics. Inspection of establishments will continue to verify that sanitation requirements are being met. The specific federal regulations being amended are 9 CFR 308.5, 317.21, 318.4, 318.7, 318.19, 318.308, 318.309, 319.5, 319.104, 319.105, 381.53, 381.121d, 381.145, 381.308, and 381.309. These amendments appear at 62 FR 45016 (effective September 24, 1997).

FSIS is also amending the federal meat inspection regulations to "permit the use of glycerine as a humectant in shelf stable meat snacks at a level not to exceed 2 percent of the formulation weight of the product". FSIS is taking this action in response to a petition from the American Association of Meat Processors requesting the use of glycerine to promote moisture

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

retention and distribution and improved texture of shelf stable meat snacks. The specific federal regulation being amended is 9 CFR 318.7. This amendment appears at 62 FR 43631 (effective October 14, 1997).

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: October 20, 1997

10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? No

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, Illinois 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of the peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section

125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products

SUBPART B: MEAT INSPECTION

Section

125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Transportation

125.290 Imported Products (Repealed)

125.295 Special Services Relating to Meat and Other Products

125.300 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16084, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997.

SUBPART B: MEAT INSPECTION

Section 125.180 Sanitation

- a) The Department incorporates by reference 9 CFR 308.1 through 308.5(a)(7) and 308.6 through 308.16 (1997; 62 FR 26211, effective June 12, 1997; 62 FR 45016 (9 CFR 308.2 is excepted from this amendment), effective September 24, 1997).
- b) The Department shall approve construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in accordance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20.
- c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted in Section 125.20.
- d) The Department shall approve the reuse of water for the specific purposes mentioned in the incorporated language of 9 CFR 308.3(d)(2) or for use as nonpotable water (see 9 CFR 308.3(d)(1)). An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).
- e) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.
- f) When determining if sanitation requirements are being or can be met,

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook for Meat and Poultry Inspection" and the operating procedures and sanitation requirements in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.

- g) Pest control substances (e.g., insecticides or rodenticides) and disinfectants used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.
- h) Slack barrels and other containers used in the shipping of meat products shall be lined with plastic or a paper of such quality that it will not readily tear when moisten from contact with the meat or meat product.
- i) Barrels, boxes and other containers used for shipping meat products shall be considered as unfit for use if they are torn, broken, have lost their original shape or are wet.
- j) Equipment, utensils, rooms or compartments which were found in violation of the sanitation requirements of this Section shall be considered as "made acceptable" when they are in compliance with the rules of this Part.

(Source: Peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997)

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).

- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (1997; 61 FR 58780, effective January 21, 1997; 62 FR 27940, effective July 21, 1997; 62 FR 33744, effective August 22, 1997; 62 FR 45016, effective September 24, 1997; 62 FR 43631, effective October 14, 1997).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) References within the incorporated language to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with the Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steampressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 21 Ill. Reg. 4 6 5 7 5, effective October 22, 1997)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1997), 62 FR 45016, effective September 24, 1997). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 21 Ill. Reg. 14 5 7 5, effective October 22, 1997)

Section 125.330 Sanitation

- a) The Department incorporates by reference 9 CFR 381.45 through 381.53(a)(1)-(7)-381.53(e)-through 381.59, and 381.61 (1997), 62 FR 45016, effective September 24, 1997).
- b) The Department shall approve the construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in compliance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20 and the provisions of this Section.
- c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted by the Department in Section 125.20.
- d) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook For Meat and Poultry Inspection" and the sanitation requirements and operating procedures as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.
- e) An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).

f) The Department does not have any approved methods for reclaiming wax and will accept any method which does not cause adulteration of the poultry or poultry products.

g) Any receptacle used for holding condemned carcasses shall be equipped for locking and sealing.

h) It is the Department's policy that equipment and utensils used in an official establishment shall not be used outside the official establishment.

i) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.

j) Germicides, insecticides, rodenticides, detergents, wetting agents and other compounds which are used in an official establishment shall be approved for use if they are on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20. The manner in which such compounds are used shall be in accordance with the manufacturer's label.

(Source: Peremptory amendment at 21 Ill. Reg. _____, effective October 22, 1997)

Section 125.380 Labeling and Containers

a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997).

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

charges shall be as set forth in Section 125.80.

- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 21 Ill. Reg. 14530, effective October 22, 1997)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.149, 381.150 through 381.151, 381.200, 381.300 through 381.311 (1997; 62 FR 33744, effective August 22, 1997; 62 FR 45016, effective September 24, 1997).

- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110. However, poultry or poultry products imported into the United States may be transported to an inspection site in accordance with the provisions of 9 CFR 381.200 for reinspection.

- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.

- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.

- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 21 Ill. Reg. 14531, effective October 22, 1997)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
 310.Appendix A, Table K Amended
 310.Appendix A, Table L Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]

- 5) Statutory Authority: 20 ILCS 415/8 and 8a

- 6) Effective Date: October 15, 1997

- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Table K RC-023 (Registered Nurses, INA), the Illinois Nurses Association negotiated a new three year contract which reflects that those employees whose retirement formula rates were changed shall receive a one-time lump sum payment of \$565 for Fiscal Year 1998. Effective July 1998 and July 1999, the salary schedule shall receive a 3% across-the-board increase.

The longevity pay for Fiscal Year 2000 reflects that those employees on Step 7 who have attained 3 or more years of creditable service on Step 7 in the same pay grade shall receive an increase of \$25 per month. Those employees on Step 7 who have attained 6 or more years of creditable service on Step 7 in the same pay grade shall receive an increase of \$50 per month.

In Section 310.Table L RC-008 (Boilermakers), the monthly salary range for the Boiler Safety Specialist was increased to \$3,684.99-4,652.33, effective September 1, 1997.

- 8) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed in Agency's Principal Office: October 15, 1997

- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act. Yes

- 11) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.110	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310.130	Amended	21 Ill. Reg. 9923 (July 21, 1997)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- | | | |
|------------|---------|--|
| 310.290 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.450 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.530 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.540 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| Appendix B | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| Appendix C | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| Appendix D | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| Appendix G | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| Appendix D | Amended | 21 Ill. Reg. 12859 (September 8, 1997) |
| Appendix G | Amended | 21 Ill. Reg. 12859 (September 8, 1997) |

- 12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 13) Information and questions regarding this adopted amendment shall be directed to: Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, IL 62706
 217/782-5601

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1997
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section

310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1997
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
---------	--

TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
----------	---

TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
---------	---

TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
---------	--

TABLE D	HR-001 (Teamsters Local #726)
---------	-------------------------------

TABLE E	RC-020 (Teamsters Local #330)
---------	-------------------------------

TABLE F	RC-019 (Teamsters Local #25)
---------	------------------------------

TABLE G	RC-045 (Automotive Mechanics, IFPE)
---------	-------------------------------------

TABLE H	RC-006 (Corrections Employees, AFSCME)
---------	--

TABLE I	RC-009 (Institutional Employees, AFSCME)
---------	--

TABLE J	RC-014 (Clerical Employees, AFSCME)
---------	-------------------------------------

TABLE K	RC-023 (Registered Nurses, INA)
---------	---------------------------------

TABLE L	RC-008 (Boilermakers)
---------	-----------------------

TABLE M	RC-110 (Conservation Police Lodge)
---------	------------------------------------

TABLE N	RC-010 (Professional Legal Unit, AFSCME)
---------	--

TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
---------	--

TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
---------	---

TABLE Q	RC-033 (Meat Inspectors, IFPE)
---------	--------------------------------

TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
---------	---

TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
---------	--

TABLE T	HR-010 (Teachers of Deaf, IFT)
---------	--------------------------------

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
---------	--

TABLE V	CU-500 (Corrections, Meet and Confer Employees)
---------	---

TABLE W	RC-062 (Technical Employees, AFSCME)
---------	--------------------------------------

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1997
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. ~~14589~~, effective October 15, 1997.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE K RC-023 (Registered Nurses, INA)

Effective: July 1, 1994

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse-Specialist	2550	2696	2837	2969	3113	3254	3464
Corrections-Nurse-I	2393	2520	2651	2775	2905	3031	3227
Corrections-Nurse-II	2679	2829	2979	3110	3267	3410	3637
Health-Facilities-Surveillance	2550	2696	2837	2969	3113	3254	3464
--Nurse							
Nursing-Act-Assistant-Coordinator	2706	2864	3013	3166	3314	3465	3682
Registered-Nurse-I	2270	2400	2525	2644	2766	2880	3074
Registered-Nurse-II	2550	2696	2837	2969	3113	3254	3464

NOTE:--Effective-July-1-1994--those-employees-who-have-three-or-more years-of-creditable-service-on-Step-7-in-the-same-pay-grade-shall receive-an-additional-\$25.00-monthly.

Effective: July 1, 1995

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse-Specialist	2777	2922	3050	3206	3352	3500	3639
Corrections-Nurse-I	2596	2721	2850	2992	3122	3224	3390
Corrections-Nurse-II	2914	3068	3212	3365	3521	3746	3821
Health-Facilities-Surveillance	2777	2922	3050	3206	3352	3500	3639
--Nurse							
Nursing-Act-Assistant-Coordinator	2950	3103	3261	3413	3569	3792	3860
Registered-Nurse-I	2472	2601	2723	2849	2975	3166	3229
Registered-Nurse-II	2777	2922	3050	3206	3352	3500	3639

NOTE:--Effective-July-1-1995--those-employees-who-have-three-or-more years-of-creditable-service-on-Step-7-in-the-same-pay-grade-shall receive-an-additional-\$25.00-monthly.

Effective: July 1, 1997 1996

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse-Specialist	3010	3150	3302	3453	3675	3748	3823
Corrections Nurse I	2813	2944	3082	3216	3424	3492	3562
Corrections Nurse II	3160	3308	3466	3627	3858	3936	4015
Health Facilities Surveillance	3010	3150	3302	3453	3675	3748	3823
Nurse							
Nursing Act Assistant Coordinator	3196	3359	3515	3676	3906	3984	4064
Registered Nurse I	2679	2805	2934	3064	3261	3326	3393
Registered Nurse II	3010	3150	3302	3453	3675	3748	3823

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

NOTE: Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

NOTE:--Effective--July-1-1996--those-employees-who-have-three-or-more years-of-creditable-service-on-Step-7-in-the-same-pay-grade-shall receive-an-additional-\$25.00-monthly.

Effective: July 1, 1998

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse Specialist	3100	3245	3401	3557	3785	3860	3938
Corrections Nurse I	2897	3032	3174	3312	3527	3597	3669
Corrections Nurse II	3255	3407	3570	3736	3974	4054	4135
Health Facilities Surveillance	3100	3245	3401	3557	3785	3860	3938
Nurse							
Nursing Act Assistant Coordinator	3292	3460	3620	3786	4023	4104	4186
Registered Nurse I	2759	2889	3022	3156	3359	3426	3495
Registered Nurse II	3100	3245	3401	3557	3785	3860	3938

Effective: July 1, 1999

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse Specialist	3193	3342	3503	3664	3899	3976	4056
Corrections Nurse I	2984	3123	3269	3411	3633	3705	3779
Corrections Nurse II	3353	3509	3677	3848	4093	4176	4259
Health Facilities Surveillance	3193	3342	3503	3664	3899	3976	4056
Nurse							
Nursing Act Assistant Coordinator	3391	3564	3729	3900	4144	4227	4312
Registered Nurse I	2842	2976	3113	3251	3460	3529	3600
Registered Nurse II	3193	3342	3503	3664	3899	3976	4056

NOTE: Longevity Pay - The step 7 shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on step 7 in the same pay grade. The step 7 rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on step 7 in the same pay grade.

(Source: Peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310. TABLE L RC-008 (Boilermakers)

Effective: September 1, 1997 to 1996

	Minimum Salary	Maximum Salary
Boiler Safety Specialist	3,684.99	4,652.33
Boiler Safety Specialist	3,660.53	4,481.04

(Source: Peremptory amendment at 21 Ill. Reg. 14599, effective October 15, 1997)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1997. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents

Agricultural Producers and Products

Assessments

Automobile Renting Tax

Bingo

Books and Records

Bulk Sales

C.O.A.D.

Certificate of Registration

Charitable Games

Cigarette Tax

Claims for Credit

Coal Fueled Devices

Coal Mining Equipment

Coins & Precious Metals

Computer Software

Construction Contractors

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Cooperative Associations
 Delivery Charges
 Distillation Machinery
 Drug Tax Stamps
 Drugs
 Enterprise Zones
 Exempt Organizations
 Farm Machinery & Equipment
 Federal Excise Tax
 Financial Institutions
 Food
 Food, Drugs & Medical Appliances
 Governmental Bodies
 Graphic Arts
 Gross Receipts
 High Impact Business
 Hotel Operators' Tax
 Interest
 Interstate Commerce
 Itinerant Vendors
 Invested Capital Tax
 Leasing
 Liquor Tax
 Local Taxes
 Mandatory Service Charges
 Manufacturer's Purchase Credit
 Manufacturers
 Manufacturing Machinery & Equipment
 Medical Appliances
 Miscellaneous
 Motor Fuel Tax
 Motor Vehicles
 Newsprint & Ink
 Nexus
 Nonprofit Institutions
 Occasional Sale
 Oil Field Equipment
 Penalties
 Pollution Control Facilities
 Prepaid Sales Tax
 Products of Photoprocessing
 Property Tax
 Public Utility Taxes
 Real Estate Transfer Tax
 Repairs
 Replacement Vehicle Tax
 Request for Information
 Returns

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Rolling Stock Exemption
 Sale at Retail
 Sale for Resale
 Sale of Service
 Service Occupation Tax
 Signature
 Special Order
 Statute of Limitations
 Tax Collection
 Tax Increment Financing
 Tax Rate
 Telecommunications Excise Tax
 Temporary Storage
 Tire User Fee
 Trade-Ins
 Use Tax
 Vehicle Use Tax
 Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

AGENTS

ST 97-0437-GIL 08/12/1997 Every agent acting for an unknown or undisclosed principal, or who is entrusted with the possession of tangible personal property for the purpose of sale, is deemed to be the owner thereof and incurs a Retailers' Occupation Tax liability on the sale thereof. If, however, that agent acts for a known or disclosed principal, the receipts are taxable to the principal, provided the principal is engaged in the business of selling such tangible personal property at retail. See 86 Ill. Adm. Code 130.1915. (This is a GIL.)

ST 97-0441-GIL 08/14/1997 Auctioneers selling on behalf of undisclosed principals are responsible for Retailers' Occupation Tax on the gross receipts from the sales. However, if auctioneers act on behalf of known or disclosed principals, the sale of tangible personal property is taxable to the principals and not the auctioneers if the principals are retailers of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1915. (This is a GIL.)

CHARITABLE GAMES

ST 97-0392-GIL 07/16/1997 The Department has no jurisdiction to regulate lottery games. See 86 Ill. Adm. Code 435.100. (This is a GIL.)

ST 97-0467-GIL 09/04/1997 The Department's jurisdiction in the area of gaming extends to enforcement of the Charitable Games Act (230 ILCS 30/1 et seq.), the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.) and the Bingo License and Tax Act (230 ILCS 25/1 et seq.), only Lotteries are not authorized under these Acts. (This is a GIL.)

CLAIMS FOR CREDIT

ST 97-0374-GIL 07/15/1997 This letter provides general information related to the Manufacturing Machinery and Equipment Exemption, sales of computer

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

software, leasing and claim for credit. See 86 Ill. Adm. Code 130.330, 220, 1935 and 1501. (This is a GIL.)

ST 97-0384-GIL 07/15/1997 If a taxpayer pays an amount of tax under the Retailers' Occupation Tax that is not due, either as a result of a mistake of fact or an error of law, the taxpayer may file a claim for credit with the Department. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

COMPUTER SOFTWARE

ST 97-0015-PLR 07/03/1997 This letter discusses the requirements which must be present in order for a transfer of software to qualify as a license. See 86 Ill. Adm. Code 130.1935(a)(1) (This is a PLR.)

ST 97-0017-PLR 08/01/1997 Licenses which meet the requirements enumerated at 86 Ill. Adm. Code 130.1935(a)(1)(A-E) constitute nontaxable licenses of software. (This is a PLR.)

ST 97-0383-GIL 07/15/1997 A license of software is not a taxable retail sale if (1) it is evidence by a written agreement signed by the licensor and the customer; (2) it restricts the customer's duplication and use of the software; (3) it prohibits the customer from licensing, sublicensing or transferring the software to a third party (except to a related party); (4) the vendor will provide another copy at minimal or no charge if the customer loses or damages the software; and (5) the customer must destroy or return all copies of the software to the vendor at the end of the license period. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0390-GIL 07/16/1997 If transactions for the licensing of computer software meet all of the criteria provided in 86 Ill. Adm. Code 130.1935(a)(1), neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

ST 97-0415-GIL 08/05/1997 In general, maintenance agreements or warranties that cover computer software and hardware are treated the same as maintenance agreements for other types of tangible personal property. See 86 Ill. Adm. Code 130.1935(b) (This is a GIL.)

ST 97-0422-GIL 08/05/1997 In general, maintenance agreements that cover computer software and hardware are treated the same as maintenance agreements for other types of tangible personal property. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0425-GIL 08/07/1997 Sales of "canned" computer software are taxable retail sales in Illinois. However, if the computer software consists of custom computer programs, then the sales of such software may not be taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0427-GIL 08/08/1997 If transactions for the licensing of computer software meet all of the criteria provided in Section 130.1935(a)(1), neither the transfer of the software or the subsequent software updates will be subject to Retailers' Occupation Tax. (This is a GIL.)

ST 97-0438-GIL 08/13/1997 Licenses of software are not taxable retail sales if the licenses meet the criteria set forth in 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0443-GIL 08/15/1997 The Department will not endorse the content of private legal publications. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0449-GIL 08/18/1997 This letter provides a general discussion about the taxation of electronically delivered images or programs. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0451-GIL 08/18/1997 Sales of "canned" computer software are taxable retail sales in Illinois. However, if the computer software consists of custom computer programs, then the sales of such software are not

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0462-GIL 08/27/1997 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See the enclosed copy of 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 97-0478-GIL 09/24/1997 Sales of canned computer software are subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 97-0421-GIL 08/05/1997 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 97-0433-GIL 08/11/1997 Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions, or for incorporation into real estate owned by governmental bodies, are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 97-0461-GIL 08/25/1997 Persons who permanently affix building materials to real estate act as construction contractors and incur Use Tax based upon their cost price of those building materials for physical incorporation into real estate. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 97-0464-GIL 08/28/1997 Persons who make improvements to real estate by taking materials off the market and permanently affixing them to real estate are acting as construction contractors. Construction contractors are considered the end users of the materials and owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 97-0472-GIL 09/24/1997 Tangible personal property which

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

will be physically incorporated into public improvements, the ownership of which is required to be conveyed to a unit of local government pursuant to a pre-development transfer requirement, is exempt from Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

DELIVERY CHARGES

ST 97-0453-GIL 08/18/1997 In general, shipping and handling or delivery charges are includable in the gross receipts subject to tax unless the buyer and seller agree upon such charges separately from the selling price of the tangible personal property which is sold. In addition, such charges must be reflective of the costs of shipping and delivery. To the extent that these charges exceed the costs of shipping, they are subject to tax. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ENTERPRISE ZONES

ST 97-0411-GIL 08/01/1997 This letter discusses how to document tax-free sales of building materials that will be incorporated into real estate located in an enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 97-0436-GIL 08/12/1997 The enterprise zone exemption allows retailers located in the municipality or unincorporated area of a county that has established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 97-0470-GIL 09/12/1997 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in that

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

EXEMPT ORGANIZATIONS

ST 97-0367-GIL 07/07/1997 Organizations that make application to the Department and are determined to be exclusively charitable, religious, or educational receive a tax exemption identification number ("E" number). See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 97-0368-GIL 07/07/1997 This letter discusses the documentation necessary to claim exemptions when retailers may sell tangible personal property to exclusively religious, charitable or educational organizations. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 97-0447-GIL 08/18/1997 An organization which has been issued an "E" number documenting its status as a sales tax exempt purchaser may engage in sales to members, noncompetitive sales, and certain occasional dinners and similar activities (two fundraisers a year) without incurring Retailers' Occupation Tax liability. See section 130.2005(a)(2) through (a)(4). (This is a GIL.)

ST 97-0459-GIL 08/25/1997 Organizations that make application to the Department and are determined to be exclusively charitable, religious, or educational receive tax exemption identification numbers. See 86 Ill. Adm. Code 130.2007 and 130.2080. (This is a GIL.)

FARM MACHINERY & EQUIPMENT

ST 97-0423-GIL 08/05/1997 The raising of gamebirds is not considered to be production agriculture. See 86 Ill. Adm. Code 130.305(f). Consequently, items purchased by a gamebird producer cannot qualify for the farm machinery and equipment exemption (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

ST 97-0435-GIL 08/12/1997 Portable hog houses do not qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

ST 97-0456-GIL 08/19/1997 Equipment used in farm management does not qualify for the Farm Machinery and Equipment Exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

FOOD

ST 97-0364-GIL 07/03/1997 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. Retailers who provide seating or facilities for on-premises consumption of food generally incur tax at the high rate on all food sales (including bulk or grocery type items). However, if establishments sell both food that has been prepared for immediate consumption and bulk or grocery type items and also provide facilities for on-premises consumption, the lower rate of tax may be charged on the bulk or grocery type items only if the dining facilities are physically partitioned from the area where food not for immediate consumption is sold and these facilities utilize a separate means of collection of receipts. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0393-GIL 07/21/1997 Retailers providing facilities for on-premises consumption of food incur tax at the high rate on all food sales including sales of food items that would otherwise qualify for the reduced rate (i.e., grocery type items). See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0418-GIL 08/05/1997 Food that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) is taxed at the rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0480-GIL 09/29/1997 Where establishments sell both food which has been prepared for immediate consumption

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

and grocery-type items and also provide facilities for on-premises consumption, the lower rate of tax can be charged on the grocery-type items if the selling areas are partitioned and served by separate means of collection. See 86 Ill. Adm. Code 130.310(b)(3). (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

ST 97-0386-GIL 07/15/1997 Generally, if vitamins are intended by the manufacturer for human use and purport on the label to have medicinal qualities, such vitamins are considered to be drugs and are taxed at the low rate of tax. If, however, no such medicinal claims are made on the label, the vitamins may be considered to be a food and may be taxed at either the high or low rate depending upon the nature of the establishment selling the vitamins. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0413-GIL 08/01/1997 Medicines and medical appliances are not taxed at State rate of 6.25%. These items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0463-GIL 08/28/1997 Generally, vitamins qualify as a food item subject to the reduced 1% State rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GOVERNMENTAL BODIES

ST 97-0398-GIL 07/23/1997 Governmental bodies claim sales tax exempt status when making purchases by providing suppliers with their sales tax exemption identification numbers issued by the Illinois Department of Revenue. See 86 Ill. Adm. Code 130.2080. (This is a GIL.)

GRAPHIC ARTS

ST 97-0378-GIL 07/15/1997 This letter discusses graphic arts,

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

(see 86 Ill. Adm. Code 130.325) and computer software (see 86 Ill. Adm. Code 130.1935). (This is a GIL.)

GROSS RECEIPTS

ST 97-0363-GIL 07/03/1997 If a retailer accepts a coupon for which he will receive full or partial reimbursement, the value of the coupon constitutes gross receipts that are subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2125. (This is a GIL.)

ST 97-0379-GIL 07/15/1997 The Department sometimes has Collection Officers at Illinois swapmeets and flea markets who are authorized to collect and provide receipts for Retailers' Occupation Tax incurred at the event. Any such tax liability paid directly to a Department Collection Officer that is evidenced by a receipt need not be reported to the Department on a return. See 86 Ill. Adm. Code 130.2045. (This is a GIL.)

ST 97-0399-GIL 07/24/1997 A manufacturer's rebate that is applied to the purchase price of an automobile is subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0402-GIL 07/24/1997 If a retailer accepts a coupon for which he will receive full reimbursement, the value of the coupon constitutes gross receipts that are subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2125. (This is a GIL.)

ST 97-0420-GIL 08/05/1997 The application of the Retailers' Occupation Tax Act to situations in which retailers issue discount coupons is set out at 86 Ill. Adm. Code 130.2125. See 86 Ill. Adm. Code 130.2125(c). (This is a GIL.)

ST 97-0446-GIL 08/15/1997 This letter rescinds Sunshine Letter #85-0049 and advises that credits issued to hostesses of parties at which merchandise is sold constitute a cost of doing business and are not deductible from gross receipts when calculating

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

Retailers' Occupation Tax liability. See Sunshine Letter #95-0378. (This is a GIL.)

ST 97-0474-GIL 09/24/1997 If retailers offer discounted prices for items and do not receive any reimbursement or rebate for those discounts, the lower amounts received for those items would be the retailers' gross receipts for those sales. See 86 Ill. Adm. Code 130.401. (This is a GIL.)

HOTEL OPERATORS' TAX

ST 97-0365-GIL 07/03/1997 The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

ST 97-0375-GIL 07/15/1997 The only exemptions available to hotel operators under the Hotel Operators' Occupation Tax Act are for rentals to permanent residents and to certain diplomatic personnel. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

ST 97-0471-GIL 09/24/1997 The receipts collected by hotels as a result of their provision of in-room movies are generally subject to the Hotel Operators' Occupation Tax Act. See 35 ILCS 145/1 et seq. (This is a GIL.)

LEASING

ST 97-0370-GIL 07/14/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 97-0373-GIL 07/15/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

130.2010. (This is a GIL.)

ST 97-0377-GIL 07/15/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See the enclosed copies of 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 97-0394-GIL 07/21/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 97-0395-GIL 07/21/1997 Except for automobiles leased for a period of one year or less, lessors of tangible personal property in Illinois under true leases are considered to be the end users of the property to be leased, and the lessors incur Use Tax liability on the lessors' cost price of the property. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0400-GIL 07/24/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the end users of tangible personal property located in Illinois, lessors incur Use Tax on the lessors' cost price of the property. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 97-0406-GIL 07/29/1997 For Illinois sales tax purposes, lessors are deemed to be the users of the items they purchase for rental purposes. The only exception is the renter of automobiles under lease terms of one year or less. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0424-GIL 08/07/1997 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

to be leased. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 97-0457-GIL 08/19/1997 Lessors of tangible personal property in Illinois under true leases are considered to be the end users of the property to be leased and incur a Use Tax liability on their cost price of the property. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 97-0482-GIL 09/29/1997 Under Illinois law, lessors under true lease agreements are deemed the users of items they purchase for rental purposes. Accordingly, lessors incur a Use Tax liability on such purchases. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

LOCAL TAXES

ST 97-0018-PLR 08/05/1997 This letter applies the provisions outlined in Section 270.115 of the Department's regulation regarding the situs of local taxes to several fact patterns. (This is a PLR.)

ST 97-0019-PLR 08/11/1997 This letter applies the principles governing application of local taxes, outlined at 86 Ill. Adm. Code 270.115, to a specific transaction. (This is a PLR.)

ST 97-0429-GIL 08/11/1997 The sellers' acceptance of the purchase orders or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

ST 97-0410-GIL 07/25/1997 In order to accept Manufacturer's Purchase Credit ("MPC") from manufacturers, suppliers must obtain MPC certificates from the manufacturers unless the manufacturers have incorporated their certification into their purchase orders. See 35 ILCS 105/3-85. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

ST 97-0414-GIL 08/04/1997 If items of tangible personal property are used or consumed in a production related process, they will qualify as production related tangible personal property and the tax on those items may be satisfied by using Manufacturer's Purchase Credit. See 35 ILCS 105/3-85; 35 ILCS 110/3-70. (This is a GIL.)

ST 97-0444-GIL 08/15/1997 Manufacturer's Purchase Credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. See 35 ILCS 105/3-85 and 35 ILCS 110/3-70. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 97-0403-GIL 07/25/1997 Machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 97-0416-GIL 08/05/1997 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330 (This is a GIL.)

ST 97-0476-GIL 09/24/1997 Machinery and equipment that are used primarily (over 50%) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease are exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

ST 97-0366-GIL 07/03/1997 Medicines and medical appliances are not taxed at the rate of 6.25%. Qualifying

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

items are taxed at a lower rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0369-GIL 07/07/1997 Medicines and medical appliances are taxed at the rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0376-GIL 07/15/1997 Medicines and medical appliances are not taxed at the normal rate of 6.25%. Qualifying items are taxed at a lower rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0475-GIL 09/24/1997 Hearing aids qualify as medical appliances, which are subject to the lower State tax rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0477-GIL 09/24/1997 In general, testing kits, which test cholesterol, urine (for urinary tract infection), stool (for intestinal bleeding), or for the presence of HIV or drugs, do not qualify as medical appliances subject to the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 97-0479-GIL 09/26/1997 PA 89-359 provides that with regard to "modifications to a motor vehicle for the purpose of rendering it usable by a disabled person...the tax is imposed at the rate of 1%." (See 35 ILCS 120/2-10.) (This is a GIL.)

ST 97-0481-GIL 09/29/1997 Medicines and medical appliances are taxed at the rate of 1%, plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

ST 97-0381-GIL 07/15/1997 Retailers' Occupation Tax does not apply to sales of fuel consumed or used in the operation of ships, barges or vessels which are primarily in or for the transportation of property or the conveyance of persons for hire on rivers

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

bordering on this State if such fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon such bordering river. See 86 Ill. Adm. Code 130.315. (This is a GIL.)

ST 97-0404-GIL 07/28/1997 United Air Lines, Inc. v. Mahin, 49 Ill.2d 45 (1971), held that the exemption for temporary storage in this State of personal property acquired outside the State and destined for use solely outside the State does not intend that aviation fuel so purchased is still "temporarily stored" when pumped into the fuel tanks of planes destined for interstate flights, for words used in a statute should generally be given their plain and ordinary meaning, which in the case of "storage" means depositing in a store or warehouse for safekeeping, rather than the tanks of an airplane ready to commence a flight. (This letter supplements a letter dated May 15, 1997.) (This is a GIL.)

ST 97-0409-GIL 07/31/1997 This letter responds to an annual survey. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0426-GIL 08/08/1997 The Illinois Department of Revenue is not currently authorized by statute or regulation to accept credit cards for payment of tax due. Please see 86 Ill. Adm. Code 130.101 and 130.535. (This is a GIL.)

ST 97-0431-GIL 08/11/1997 The Department has no authority to waive tax liabilities that arise prior to taxpayers' registration. However, the Board of Appeals administers a voluntary disclosure program that provides for limited liabilities. See 86 Ill. Adm. Code 210.126. (This is a GIL.)

ST 97-0439-GIL 08/13/1997 The Hotel Operators' Occupation Tax Act does not include any provision for the exemption of foreign visitors, unless they have been issued tax exemption cards by the U.S. Department of State, Office of Foreign Missions, on the basis of being diplomatic personnel. Likewise, there is no provision in Illinois tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

laws for refunds of use tax to foreign visitors purchasing tangible personal property from Illinois retailers and receiving physical possession of those items in this State. See 35 ILCS 145/1 et seq. and 35 ILCS 105/1 et seq. (This is a GIL.)

ST 97-0445-GIL 08/15/1997 Generally, the Department does not consider receipts from the sale of club membership fees to be gross receipts from the sale of tangible personal property. Rather, a membership fee is considered an intangible, which is not subject to Retailers' Occupation Tax or Use Tax liability. This is the case when the sale of membership rights does not include the transfer of tangible personal property. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0448-GIL 08/18/1997 Taxpayers may access the Department's webpage at <http://www.revenue.state.il.us>. (This is a GIL.)

ST 97-0450-GIL 08/18/1997 Private Letter Rulings will not be issued on alternative plans of proposed transactions or hypothetical situations. See 2 Ill. Adm. Code 1200.110(a)(3). (This is a GIL.)

ST 97-0466-GIL 09/02/1997 Once an administrative hearing is requested, the Department's Administrative Hearings Division is in the best position to review all facts and make any determination regarding the matter in controversy. See 86 Ill. Adm. Code 1200.120 (This is a GIL.)

ST 97-0468-GIL 09/08/1997 This letter discusses general questions regarding the Hotel Operators' Occupation Tax, 35 ILCS 145/1 et seq., Illinois property taxes, the Retailers' Occupation Tax, 35 ILCS 120/1 et seq., and the Use Tax, 35 ILCS 105/1 et seq. (This is a GIL.)

NEWSPRINT & INK

ST 97-0430-GIL 08/11/1997 Sales of newspapers and magazines are not subject to Retailers' Occupation Tax. See

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

86 Ill. Adm. Code 130.2105. (This is a GIL.)

NEXUS

ST 97-0419-GIL 08/05/1997 An Illinois retailer is one who either accepts purchase orders in the State of Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

OCCASIONAL SALE

ST 97-0465-GIL 08/29/1997 Occasional sales typically arise when a retailer sells tangible personal property which he has used in his business and no longer needs, and which he does not otherwise engage in selling. See 86 Ill. Adm. Code 130.110 (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 97-0440-GIL 08/14/1997 In general, automatic gauges on underground storage tanks that detect whether fuel is leaking do not primarily eliminate, prevent, or reduce pollution. Such gauges merely indicate whether or not there is a leak in the tank. As such, they do not qualify as pollution control facilities under the exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0442-GIL 08/14/1997 Home sewage treatment systems that use a combination of aeration and aerobic bacterial action to treat household wastewater and thereby reduce or eliminate pollutants contained in household wastewater may qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 97-0458-GIL 08/25/1997 Sewage treatment systems that use a combination of aeration and aerobic bacterial action to treat household wastewater and thereby reduce or eliminate pollutants contained in household wastewater may qualify as pollution

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

control facilities. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

REPAIRS

ST 97-0401-GIL 07/24/1997 This letter discusses the taxability of maintenance agreements. See 86 Ill. Adm. Code 140.301. (This is a GIL.)

ST 97-0452-GIL 08/18/1997 When charges for maintenance agreements or warranties are included in the selling price of tangible personal property those charges are part of the gross receipts of the retail transactions and are subject to Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.450(a). In these situations no tax is incurred on the parts when repairs are made. (This is a GIL.)

ST 97-0460-GIL 08/25/1997 This letter discusses the taxability of vehicle maintenance agreements. See 86 Ill. Adm. Code 140.301. (This is a GIL.)

RETURNS

ST 97-0483-GIL 09/29/1997 Any limited liability corporation or other entity that is making retail sales subject to the Retailers' Occupation Tax Act or Use Tax Act must be separately registered with its own IBT number and must file returns under that number. See 86 Ill. Adm. Code 130.701. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 97-0372-GIL 07/15/1997 The Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

130.340. (This is a GIL.)

ST 97-0407-GIL 07/29/1997 The rolling stock exemption is available to interstate carriers for hire when they purchase tangible personal property for use as rolling stock moving in interstate commerce for hire. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

SALE AT RETAIL

ST 97-0382-GIL 07/15/1997 The sale of art work is a transfer of tangible personal property subject to the Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1910. (This is a GIL.)

ST 97-0385-GIL 07/15/1997 In general, CD-ROM discs are considered to be tangible personal property that is subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0387-GIL 07/16/1997 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0408-GIL 07/29/1997 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 97-0412-GIL 08/01/1997 When the lessor of a vehicle bills the lessee's insurance carrier for the settlement following the theft or total loss of the vehicle, there is generally no sale at retail. Therefore, there would generally be no Retailers' Occupation Tax or Use Tax liability. See 35 ILCS 120/1c. (This is a GIL.)

ST 97-0428-GIL 08/08/1997 "Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use or consumption, for a valuable consideration. See 35

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

ILCS 120/1. (This is a GIL.)

ST 97-0432-GIL 08/11/1997 Where the seller and the buyer agree upon any special service charges separate from the selling price of the tangible personal property that is being sold, then the gross receipts for such special service charges are not part of the selling price of the tangible personal property. See 86 Ill. Adm. Code 130.450. (This is a GIL.)

SALE FOR RESALE

ST 97-0380-GIL 07/15/1997 In order to purchase items of tangible personal property for resale, retailers must present a valid Certificate of Resale to their supplier. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0388-GIL 07/16/1997 Certificates of Resale must contain all of the information set out in part (b) of 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 97-0405-GIL 07/28/1997 The sale of containers, as that term is defined in the regulation, is not subject to Retailers' Occupation Tax when the purchasers of such containers transfer to customers the ownership of the containers together with what is contained in them. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

ST 97-0484-GIL 09/30/1997 This letter describes nexus requirements. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

SALE OF SERVICE

ST 97-0417-GIL 08/05/1997 Sellers of personalized business calling cards, letterheads, envelopes, labels, name plates, badges, medallions and the like do not incur Retailers' Occupation Tax liability on their receipts from such sales because they are engaged in a service occupation producing or procuring custom-ordered items that have no commercial value to others. See 86 Ill. Adm. Code

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

130.1995 (This is a GIL.)

SERVICE OCCUPATION TAX

ST 97-0016-PLR 07/14/1997 The transfer of tangible personal property results in Service Occupation Tax liability rather than Retailers' Occupation Tax liability where the purchaser employs the seller primarily for its engineering skill to design and produce the property on special order, where the property has use or value only for the specific purpose for which it was produced and where the property has use or value only to the purchaser. See 86 Ill. Adm. Code 130.2115. (This is a PLR.)

ST 97-0397-GIL 07/22/1997 Retailers' Occupation Tax and Use Tax do not apply to receipts from sales of personal services. Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 regarding sales of service and Service Occupation Tax. (This is a GIL.)

ST 97-0434-GIL 08/11/1997 Retailers' Occupation Tax and Use Tax do not apply to receipts from sales of personal services. Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 97-0455-GIL 08/19/1997 Retailers' Occupation Tax and Use Tax do not apply to receipts from sales of personal services. Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

ST 97-0469-GIL 09/09/1997 Servicemen may qualify as de minimis if their annual aggregate cost price of tangible personal property transferred incident to sales of service is less than 35% of their annual gross receipts from service transactions (75% in the case of pharmacists and persons engaged in graphic arts production). See 86 Ill. Adm. Code

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

140.101(f) (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 97-0389-GIL 07/16/1997 The Telecommunications Excise Tax Act, found at 35 ILCS 630/1 et seq., imposes a tax upon the act or privilege of originating or receiving in the State of Illinois interstate telecommunications by a person in Illinois at the rate of 5% of the gross charge for such telecommunications purchased at retail from a retailer by such person. See 35 ILCS 630/4. (This is a GIL.)

ST 97-0396-GIL 07/21/1997 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or receiving intrastate and interstate telecommunications by a person in this State. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

USE TAX

ST 97-0362-GIL 07/03/1997 Illinois has no provision for the return of sales tax paid by foreign visitors who purchase tangible personal property and take delivery in Illinois. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

ST 97-0371-GIL 07/14/1997 The Use Tax Act provides that in order to prevent actual or likely multistate taxation, the Use Tax does not apply to the use of tangible personal property in this State of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state. See 86 Ill. Adm. Code 150.310. (This is a GIL.)

ST 97-0473-GIL 09/24/1997 Illinois allows a credit against Illinois Use Tax liability for tax that has been properly paid to another State. See 86 Ill. Adm.

DEPARTMENTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1997 THIRD QUARTER SUNSHINE INDEX

Code 150.310(a)(3). (This is a GIL.)

ST 97-0485-GIL 09/30/1997 Illinois allows a credit against Illinois Use Tax liability for tax that has been properly paid to another State. See 86 Ill. Adm. Code 150.310(a)(3). (This is a GIL.)

VEHICLE USE TAX

ST 97-0454-GIL 08/18/1997 Penalty and interest are imposed under the Uniform Penalty and Interest Act, 35 ILCS 735/1 et seq. (1994 State Bar Edition), if Form RUT-25 is filed more than 30 days after a vehicle purchased outside Illinois is brought to Illinois for use here. (This is a GIL.)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3) Register Citation to proposed rulemaking: 21 Ill. Reg. 6825

4) Register Citation to JCAR Objection: 21 Ill. Reg. 13387

5) Date Agency Response submitted to JCAR: October 6, 1997

6) Register Citation to adopted rulemaking: 21 Ill. Reg. 14262

In the October 31, 1997 issue of the *Illinois Register*, the Department of State Police Merit Board adopted the rulemaking referenced above. The published text erroneously contained a subsection (c) requiring qualified State Police applicants to have a bachelor's degree by the year 2000. The copy filed by the Board for Register publication did not contain this provision. In response to a JCAR Objection, the bachelor's degree provision was removed by the Board from the rule text before adoption. JCAR regrets the error in the subsequently published rulemaking. The corrected text of the rulemaking appears on the following page.

DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications

a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:

- 1) Be at least 21 twenty-one years of age. Persons 20 twenty years of age may be certified if they have successfully completed 2 years (60 semester hours, 90 quarter hours) of law enforcement studies at an accredited college or university.
- 2) Have completed, with an average grade of C or better, an Associate in Arts or Associate in Science Degree or equivalent general education course work 60-semester-hours, 90-quarter-hours or any-combination-of-semester/quarter-hours-totalling-2-years--of-education from an accredited college or university, as certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:

- A) Middle States Association of Colleges and Schools;
- B) North Central Association of Colleges and Schools;
- C) New England Association of Schools and Colleges;
- D) Northwest Association of Schools and Colleges;
- E) Southern Association of Colleges and Schools;
- F) Western Association of Schools and Colleges.

- 3) Be a citizen of the United States with no felony convictions.

- 4) Accept assignment anywhere in the State.

- 5) Possess a valid driver's license at time of application.

- 6) Successfully complete mental and physical and medical tests and a background investigation as prescribed by the Board. (See Section 150. Appendix A and B of this Part.)

b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board.

(Source: Amended at 21 Ill. Reg. 14262, effective October 17, 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM A-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

NOVEMBER 12, 1997

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Livestock Auction Markets (8 Ill Adm Code 40)
-First Notice Published: 21 Ill Reg 12046 - 9/5/97
-Expiration of Second Notice Period: 12/7/97
2. Bovine Brucellosis (8 Ill Adm Code 75)
-First Notice Published: 21 Ill Reg 11996 - 9/5/97
-Expiration of Second Notice Period: 12/7/97
3. Illinois Bovine Tuberculosis Eradication Act (8 Ill Adm Code 80)
-First Notice Published: 21 Ill Reg 12030 - 9/5/97
-Expiration of Second Notice Period: 12/7/97
4. Diseased Animals (8 Ill Adm Code 85)
-First Notice Published: 21 Ill Reg 12005 - 9/5/97
-Expiration of Second Notice Period: 12/7/97
5. Swine Disease Control and Eradication Act (8 Ill Adm Code 105)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

-First Notice Published: 21 Ill Reg 12056 - 9/5/97
-Expiration of Second Notice Period: 12/7/97

6. Animal Diagnostic Laboratory Act (8 Ill Adm Code 110)
-First Notice Published: 21 Ill Reg 11990 - 9/5/97
-Expiration of Second Notice Period: 12/7/97

7. Illinois Pseudorabies Control Act (8 Ill Adm Code 115)
-First Notice Published: 21 Ill Reg 12040 - 9/5/97
-Expiration of Second Notice Period: 12/7/97

8. Feeder Swine Dealer Licensing (68 Ill Adm Code 590)
-First Notice Published: 21 Ill Reg 12027 - 9/5/97
-Expiration of Second Notice Period: 12/7/97

9. Livestock Dealer Licensing (68 Ill Adm Code 610)
-First Notice Published: 21 Ill Reg 12052 - 9/5/97
-Expiration of Second Notice Period: 12/7/97

Central Management Services

10. Merit and Fitness (80 Ill Adm Code 302)
-First Notice Published: 21 Ill Reg 10175 - 8/8/97
-Expiration of Second Notice Period: 11/27/97

11. Conditions of Employment (80 Ill Adm Code 303)
-First Notice Published: 21 Ill Reg 10173 - 8/8/97
-Expiration of Second Notice Period: 11/27/97

Commerce Commission

12. Pay-Per-Call Services (83 Ill Adm Code 772)
-First Notice Published: 21 Ill Reg 8738 - 7/11/97
-Expiration of Second Notice Period: 11/14/97

13. Universal Service (83 Ill Adm Code 765)
-First Notice Published: 21 Ill Reg 11378 - 8/15/97
-Expiration of Second Notice Period: 12/10/97

Comptroller

14. Illinois Funeral or Burial Funds Act (38 Ill Adm Code 610)
-First Notice Published: 21 Ill Reg 11829 - 8/29/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

-Expiration of Second Notice Period: 11/28/97

Employment Security

15. Determination of Unemployment Contributions (56 Ill Adm Code 2770)
-First Notice Published: 21 Ill Reg 12065 - 9/5/97
-Expiration of Second Notice Period: 12/4/97

Farm Development Authority

16. Illinois Farm Development Authority (8 Ill Adm Code 1400)
-First Notice Published: 21 Ill Reg 7060 - 6/13/97
-Expiration of Second Notice Period: 12/4/97

Human Services

17. General Administrative Provisions (89 Ill Adm Code 10)
-First Notice Published: 21 Ill Reg 9395 - 7/18/97
-Expiration of Second Notice Period: 11/23/97

18. Recipients Rights (59 Ill Adm Code 111)
-First Notice Published: 20 Ill Reg 16034 - 12/27/96
-Expiration of Second Notice Period: 12/6/97

19. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 21 Ill Reg 8179 - 7/7/97
-Expiration of Second Notice Period: 11/23/97

20. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 21 Ill Reg 8204 - 7/7/97
-Expiration of Second Notice Period: 11/23/97

21. Crisis Assistance (89 Ill Adm Code 116)
-First Notice Published: 21 Ill Reg 8197 - 7/7/97
-Expiration of Second Notice Period: 11/23/97

22. Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 21 Ill Reg 8209 - 7/7/97
-Expiration of Second Notice Period: 11/23/97

23. Collections and Recoveries (89 Ill Adm Code 165)
-First Notice Published: 21 Ill Reg 8195 - 7/7/97
-Expiration of Second Notice Period: 11/23/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

Insurance

24. Preferred Provider Program Administrators (50 Ill Adm Code 2051)
-First Notice Published: 21 Ill Reg 8766 - 7/11/97
-Expiration of Second Notice Period: 11/24/97

Natural Resources

25. Boat and Snowmobile Registration and Safety (17 Ill Adm Code 2010)
-First Notice Published: 21 Ill Reg 12079 - 9/5/97
-Expiration of Second Notice Period: 11/28/97

Pollution Control Board

26. Emissions Reduction Market System (35 Ill Adm Code 205)
-First Notice Published: 21 Ill Reg 9649 - 7/25/97
-Expiration of Second Notice Period: 11/20/97

27. Clean Fuel Fleet Program (35 Ill Adm Code 241)
-First Notice Published: 21 Ill Reg 9639 - 7/25/97
-Expiration of Second Notice Period: 11/30/97

28. Water Quality Standards (35 Ill Adm Code 302)
-First Notice Published: 21 Ill Reg 8785 - 7/11/97
-Expiration of Second Notice Period: 12/3/97

29. Water Use Designations and Site Specific Water Quality Standards (35 Ill Adm Code 303)
-First Notice Published: 21 Ill Reg 8829 - 7/11/97
-Expiration of Second Notice Period: 12/3/97

30. Effluent Standards (35 Ill Adm Code 304)
-First Notice Published: 21 Ill Reg 8780 - 7/11/97
-Expiration of Second Notice Period: 12/3/97

31. Tiered Approach to Corrective Action Objectives (35 Ill Adm Code 742)
-First Notice Published: 21 Ill Reg 9687 - 7/25/97
-Expiration of Second Notice Period: 11/19/97

Professional Regulation

32. Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247)
-First Notice Published: 21 Ill Reg 8834 - 7/11/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

-Expiration of Second Notice Period: 11/13/97

33. Illinois Optometric Practice Act of 1987 (68 Ill Adm Code 1320)
-First Notice Published: 21 Ill Reg 8844 - 7/11/97
-Expiration of Second Notice Period: 11/13/97

Public Aid

34. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 21 Ill Reg 10016 - 8/1/97
-Expiration of Second Notice Period: 11/20/97

35. Hospital Reimbursement Changes (89 Ill Adm Code 152)
-First Notice Published: 21 Ill Reg 9398 - 7/18/97
-Expiration of Second Notice Period: 11/30/97

36. Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 21 Ill Reg 8192 - 7/7/97
-Expiration of Second Notice Period: 12/7/97

Public Health

37. Illinois Home Health Agency Code (77 Ill Adm Code 245)
-First Notice Published: 21 Ill Reg 3453 - 3/21/97
-Expiration of Second Notice Period: 11/22/97

38. Hospital Licensing Requirements (77 Ill Adm Code 250)
-First Notice Published: 21 Ill Reg 3438 - 3/21/97
-Expiration of Second Notice Period: 11/22/97

39. Children's Respite Care Center Demonstration Program Code (77 Ill Adm Code 260)
-First Notice Published: 21 Ill Reg 4373 - 4/11/97
-Expiration of Second Notice Period: 11/22/97

40. Subacute Care Hospital Demonstration Program Code (77 Ill Adm Code 270)
-First Notice Published: 21 Ill Reg 4393 - 4/11/97
-Expiration of Second Notice Period: 11/22/97

41. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
-First Notice Published: 21 Ill Reg 3527 - 3/21/97
-Expiration of Second Notice Period: 11/22/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

42. Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Notice Published: 21 Ill Reg 3513 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
43. Illinois Veterans' Homes Code (77 Ill Adm Code 340)
-First Notice Published: 21 Ill Reg 3462 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
44. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)
-First Notice Published: 21 Ill Reg 3475 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
45. Community Living Facilities Code (77 Ill Adm Code 370)
-First Notice Published: 21 Ill Reg 3426 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
46. Long-Term Care For Under Age 22 Facilities Code (77 Ill Adm Code 390)
-First Notice Published: 21 Ill Reg 3497 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
47. Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)
-First Notice Published: 21 Ill Reg 3492 - 3/21/97
-Expiration of Second Notice Period: 11/22/97
- Secretary of State
48. Regulations Under Illinois Securities Law of 1953 (14 Ill Adm Code 130)
-First Notice Published: 21 Ill Reg 11636 - 8/22/97
-Expiration of Second Notice Period: 11/28/97

EMERGENCY AND PEREMPTORY RULEMAKINGSCentral Management Services

49. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 21 Ill Reg 14267 - 10/31/97

Public Aid

50. Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 21 Ill Reg 13857 - 10/17/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 12, 1997

51. Specialized Health Care Delivery Systems (89 Ill Adm Code 146) (Emergency)
-Notice Published: 21 Ill Reg 13875 - 10/17/97
52. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 21 Ill Reg 13675 - 10/10/97
- Public Health
53. Health Care Facility Plan Review Code (77 Ill Adm Code 290) (Emergency)
-Notice Published: 21 Ill Reg 13908 - 10/17/97
54. Subacute Alcoholism and Substance Abuse Treatment Program (77 Ill Adm Code 2090) (Emergency)
-Notice Published: 21 Ill Reg 14087 - 10/24/97

EXPEDITED CORRECTIONHealth Facilities Planning Board

55. Narrative and Planning Policies

AGENCY RESPONSEState Police Merit Board

56. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 21, 1997 through October 27, 1997 and have been scheduled for review by the Committee at its November 12, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/4/97	Department of Employment Security, Determination of Unemployment Contributions (56 Ill Adm Code 2770)	9/5/97 21 Ill Reg 12065	11/12/97
12/4/97	Farm Development Authority, Illinois Farm Development Authority (8 Ill Adm Code 1400)	6/13/97 21 Ill Reg 7060	11/12/97
12/6/97	Department of Human Services, Recipients Rights (59 Ill Adm Code 111)	12/27/96 20 Ill Reg 16304	11/12/97
12/7/97	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	7/7/97 21 Ill Reg 8192	11/12/97
12/7/97	Department of Agriculture, Livestock Auction Markets (8 Ill Adm Code 40)	9/5/97 21 Ill Reg 12046	11/12/97
12/7/97	Department of Agriculture, Bovine Brucellosis (8 Ill Adm Code 75)	9/5/97 21 Ill Reg 11996	11/12/97
12/7/97	Department of Agriculture, Illinois Bovine Tuberculosis Eradication Act (8 Ill Adm Code 80)	9/5/97 21 Ill Reg 12030	11/12/97
12/7/97	Department of Agriculture, Diseased Animals (8 Ill Adm Code 85)	9/5/97 21 Ill Reg 12005	11/12/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Agency and Rule	Date	Ill Reg
12/7/97	Department of Agriculture, Swine Disease Control and Eradication Act (8 Ill Adm Code 105)	9/5/97 21 Ill Reg 12056	11/12/97
12/7/97	Department of Agriculture, Animal Diagnostic Laboratory Act (8 Ill Adm Code 110)	9/5/97 21 Ill Reg 11990	11/12/97
12/7/97	Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill Adm Code 115)	9/5/97 21 Ill Reg 12040	11/12/97
12/7/97	Department of Agriculture, Feeder Swine Dealer Licensing (68 Ill Adm Code 590)	9/5/97 21 Ill Reg 12027	11/12/97
12/7/97	Department of Agriculture, Livestock Dealer Licensing (68 Ill Adm Code 610)	9/5/97 21 Ill Reg 12052	11/12/97
12/10/97	Illinois Commerce Commission, Universal Service (83 Ill Adm Code 765)	8/15/97 21 Ill Reg 11378	11/12/97

PROCLAMATION

97-161

VET CENTER APPRECIATION DAY (REVISED)

Whereas, Illinois' veterans have always been the first to volunteer in their country's defense and have brought great honor upon themselves, their state and their nation; and

Whereas, our state is privileged to have distinguished Vet Centers that provide readjustment counseling services, community education and outreach programs and brokering services with community agencies to our returning war veterans while also providing a key access link between the veteran and other services in the U.S. Department of Veterans Affairs; and

Whereas, the United States Department of Veterans Affairs Vet Centers have been places of valued expertise and treatment of post-traumatic stress disorder suffered by war veterans and victims of sexual abuse; and

Whereas, Vet Centers have long enjoyed a tradition of providing a continuum of quality care that adds individual value and personal fulfillment to the lives of veterans, their families and the communities of Illinois; and

Whereas, it is appropriate that we set aside a day to recognize the invaluable services provided by the dedicated professionals who treat our nation's heroes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1997, as *VET CENTER APPRECIATION DAY* in Illinois.

Issued by the Governor March 27, 1997.

Filed by the Secretary of State October 21, 1997.

97-534

C. R. WALGREEN III DAY (REVISED)

Whereas, Walgreen Company has been an Illinois corporation for almost 100 years; and

Whereas, Walgreen Company has had 23 years of consecutive record sales;

and Whereas, Walgreen Company has been named among the "Most Admired Corporations in America" and one of the 100 best stocks to own in America; and

Whereas, C. R. Walgreen III has worked for Walgreen Company for more than 45 years; and

Whereas, C. R. Walgreen III has served as chairman and chief executive officer of Walgreen Company since 1976; and

Whereas, Walgreen Company has grown from 618 stores in 1976 to more than 2,300 stores in 1997; and

Whereas, Walgreen Company had total sales last year of more than \$13 billion; and

Whereas, C. R. Walgreen III is the longest serving director of the Illinois Retail Merchants Association;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1997, as *C. R. WALGREEN III DAY* in Illinois.

Issued by the Governor September 18, 1997.

Filed by the Secretary of State October 21, 1997.

97-582

AUGUSTA HAZZARD DAY

Whereas, Mrs. Augusta Hazzard has been a citizen of East St. Louis, Illinois, for many years; and

Whereas, Mrs. Hazzard has participated in a number of civic organizations including the Harmony Court of Calanthe #28 as a juvenile supervisor, a member of the Eastern Star organization, and a former member of H.O.P.E. organization (Helping Other People Emerge); and

Whereas, Mrs. Hazzard has been a faithful member of Mt. Zion Missionary Baptist Church in East St. Louis, Illinois, for 53 years; and

Whereas, while attending Mt. Zion Church, Mrs. Hazzard has served in the following organizations: The Red Circle, Young Adult Choir, Usher Board, a former instructor in New Salem District Congress of Christian Education, a former instructor and director of Baptist General State Congress of Christian Education, Church Secretarial Workshop, and member of Church Secretaries Workshop of the National Congress of Christian Education; and

Whereas, in 1976 Mrs. Hazzard was featured in the National Baptist Voice paper as Secretary of the Month, and in February 1993 she was featured by the Baptist General State Convention of Illinois' Health Unit for an award in business;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1997, as *AUGUSTA HAZZARD DAY* in Illinois

Issued by the Governor October 9, 1997.

Filed by the Secretary of State October 21, 1997.

97-583

GEORGE L. HARRIS DAY

Whereas, George L. Harris was brought into this world on October 15, 1917, and lived the majority of his life in Decatur, Illinois, the economic hub of the Midwest and home of the aromatic Staley's Company; and

Whereas, George spent many fond years as a security guard, standing in a cold booth at the gates of the Sangamo Electric Company. He later retired as Chief of Security at the Adolf Meyer Mental Health Center; and

Whereas, several times along that path, he met and married, producing four wonderful offspring, the oldest, Gale, born March 11, 1953. Cheri, his second daughter came along April 18, 1956, son George L. Jr., born April 24, 1960, and the youngest, David, was born May 29, 1963; and

Whereas, from these wonderful children came five grandchildren, Andrea and Erica, age 18; Ryan, age 11; Jonathan, age 13; Lindsay, age 8; and Maxwell, age 6 months; all who have learned much from their "Octogenarian" grandfather; and

Whereas, he has been married to Yolanda, hereafter called Loni, for the last 39 years. Loni is originally from Ohio, where many family vacations have been taken to visit relatives. Their marriage has been an exercise in patience and mutual consideration; and

Whereas, George, whose unwavering sense of fashion is evident by his "signature" cardigan sweaters and house slippers, also makes sure that "crew cuts" never go out of style; and

Whereas, George is to be commended for his pursuit of happiness, which includes the purchase of lottery tickets, Winston cigarettes and gardening, which produces the best tomatoes and green onions in Macon County; and

Whereas, George L. Harris will celebrate his "80th" birthday with his wife, family and faithful companion Chico, proving that he has truly made his mark on the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1997, as **GEORGE L. HARRIS DAY** in Illinois in recognition of his many years of state service and his commitment to his family and friends.

Issued by the Governor October 9, 1997.

Filed by the Secretary of State October 21, 1997.

97-584

ILLINOIS BOWLING ASSOCIATION 100TH ANNIVERSARY WEEK

Whereas, in the year of 1898, the Illinois Bowling Association became a recognized state association of the American Bowling Congress, formed in 1895 as the governing body of the sport of bowling in the United States and North America; and

Whereas, the Illinois Bowling Association of the American Bowling Congress is now celebrating its 100th anniversary as a state association and currently serves 116,679 sanctioned league members; and

Whereas, the Illinois Bowling Association of the American Bowling Congress is the governing body for the oldest State Championship Tournament in the United States, and recently held its 100th State Championship Tournament, promoting competition and camaraderie for the entire sport; and

Whereas, the celebration of the Illinois Bowling Association's 100th Anniversary will bring recognition to the entire sport, including local and national membership organizations, proprietors, manufacturers and, most importantly, services to the bowler; and

Whereas, the Illinois Bowling Association Board of Directors, mainly volunteers, serves the recreational needs of all sanctioned bowlers throughout the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6-10, 1997, as **ILLINOIS BOWLING ASSOCIATION 100TH ANNIVERSARY WEEK** in Illinois.

Issued by the Governor October 9, 1997.

Filed by the Secretary of State October 21, 1997.

97-585

KEY CLUB WEEK

Whereas, Key Club International, a high school service organization sponsored by Kiwanis International, is comprised of more than 7,000 high school students in approximately 150 schools across the state; and

Whereas, local members are part of an international organization of more than 180,000 students dedicated to serving their homes, schools and communities; and

Whereas, through their service efforts, Key Club members have built better communities while improving their own leadership skills for the future; and

Whereas, Key Club members promote the adoption of higher standards in scholastics, sportsmanship and social contacts; and

Whereas, each member annually performs at least 50 hours of service to his or her home, school and community providing a positive impact on our state and its citizens; and

Whereas, November 3-9 is National Key Club Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 3-9, 1997, as **KEY CLUB WEEK** in Illinois and call upon the officials of

this state and all citizens to provide support to the Key Club members who are preparing themselves to be better, more responsible citizens while providing commendable service to their communities.

Issued by the Governor October 9, 1997.

Filed by the Secretary of State October 21, 1997.

97-586

VILLAGE OF SOUTH CHICAGO HEIGHTS DAY

Whereas, the Village of South Chicago Heights is celebrating its 90th Anniversary this year, having been incorporated in 1907; and

Whereas, the area has a rich history which dates back to the spring of 1833, where Adam Brown and his family stopped their wagon at the crossing of Old Sauk Trail and the Chicago-Vincennes Road (known today as Brown's Corner), becoming the first permanent settlers to arrive from Ohio; and

Whereas, on May 7, 1907, citizens from the Hannah and Keeney Subdivision to Chicago Heights adopted the trustee form of government at a public meeting held at the C. & E. I. Railroad passenger station formerly located at 29th Street; and

Whereas, the village has grown from a tiny settlement into a thriving modern community; and

Whereas, today, there are hundreds of businesses within the village, including restaurants, retail stores, steel manufacturing plants and wood product manufacturers. Almost every service is available from barber shops to auto repairs in the village; and

Whereas, citizens of South Chicago Heights actively participate in all aspects of community life through the village schools, churches, library, banks and other civic organizations; and

Whereas, the Village of South Chicago Heights has grown through its commitment to serving the people through solid fiscal management under good government, recently purchasing a new municipal complex and offices, providing a Senior Citizens Center, and is currently attempting to bring Lake Michigan water to its residents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1, 1997, as **VILLAGE OF SOUTH CHICAGO HEIGHTS DAY** in Illinois.

Issued by the Governor October 9, 1997.

Filed by the Secretary of State October 21, 1997.

97-587

NAACP WEEK

Whereas, the National Association for the Advancement of Colored People (NAACP) is the oldest civil rights organizations in the country and was organized following the 1908 Race Riots in Springfield, Illinois; and

Whereas, it was formed after a call to all Americans to attend a meeting that was scheduled on the 100th birthday celebration of Abraham Lincoln, "The Great Emancipator;" and

Whereas, the NAACP has a goal to seek an end to racial segregation and other forms of discrimination in all public aspects of American life; and

Whereas, the NAACP has pursued these goals through the courts, through the enactment of federal, state and local civil rights laws and through educational and direct action programs; and

Whereas, the NAACP has been in the forefront of the struggle for the basic freedoms that are the birthrights of all Americans and has achieved great success; and

Whereas, the Illinois NAACP State Conference of Branches has established a region wide expectation for quality conferences and banquets that further the causes and work of the NAACP;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17-19, 1997, as *NAACP WEEK* in Illinois in honor of the commendable achievements of the organization.

Issued by the Governor October 10, 1997.

Filed by the Secretary of State October 21, 1997.

97-588

NATIONAL RUNAWAY SWITCHBOARD DAY

Whereas, the National Runaway Switchboard (NRS) provides 24-hour crisis intervention for youth at-risk; and

Whereas, the NRS is the federally designated national communication system for runaway and homeless youth; and

Whereas, the NRS is a community-driven, cost-effective, volunteer program providing referrals for youth through national and local telephone switchboards; and

Whereas, last year the National Runaway Switchboard received over 155,000 phone calls; and

Whereas, the toll-free number for the National Runaway Switchboard is 1-800-621-4000; and

Whereas, the NRS will hold its annual benefit at the Museum of Broadcast Communications in Chicago on October 24, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24, 1997, as *NATIONAL RUNAWAY SWITCHBOARD DAY* in Illinois.

Issued by the Governor October 10, 1997.

Filed by the Secretary of State October 21, 1997.

97-589

SNUG HUGS FOR KIDS DAYS

Whereas, Snug Hugs for Kids is an annual event designed to help underprivileged children obtain much-needed winter clothing and outerwear; and

Whereas, this effort has donated as much as 16,000 pounds of new coats, gloves, mittens, hats, scarves, and boots to these children through the Children's Home and Aid Society of Illinois, which serves more than 40,000 families in the Chicagoland area; and

Whereas, the Society provides adoption, foster care, day care, residential treatment, child and family counseling, research, and professional training programs in the Chicago area and 40 counties throughout Illinois; and

Whereas, Snug Hugs for Kids challenges employees and volunteers as well as community leaders to participate in this cause, thereby furthering the efforts to help those in need within our own communities; and

Whereas, drop boxes will be located at different locations throughout the Chicago area from November 1-December 16, 1997, in order for people to donate clothing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 1-December 17, 1997, as *SNUG HUGS FOR KIDS DAYS* in Illinois.

Issued by the Governor October 10, 1997.

Filed by the Secretary of State October 21, 1997.

97-590

YWCA WEEK WITHOUT VIOLENCE

Whereas, YWCAs in Illinois have provided more than 100 years of continuous service to the women and children of the state; and

Whereas, the YWCA has a long history of empowering women and families, fostering racial justice and preventing violence; and

Whereas, the YWCA seeks to unify and inform people about existing alternatives to violence at YWCAs, schools, community organizations and workplaces; and

Whereas, the YWCA is sponsoring the third annual "YWCA Week Without Violence" in communities across the country which challenges every American to live for one week without perpetrating or participating in violence by finding non-violent ways to deal with anger and resolve conflicts; and

Whereas, each day of the week will focus on a different set of issues relating to violence, including school safety, child protection, domestic violence, and race and hate crimes; and

Whereas, the campaign will give thousands of people in Illinois the opportunity to act against the epidemic proportions of violence in their lives; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19-25, 1997, as *YWCA WEEK WITHOUT VIOLENCE* in Illinois in recognition of the desire of the people of Illinois to live their lives without fear of violence.

Issued by the Governor October 10, 1997.

Filed by the Secretary of State October 21, 1997.

97-591

A SEASON FOR NONVIOLENCE

Whereas, violence prevention and conflict resolution programs in schools and communities throughout the nation and world are positively affecting our families and our neighborhoods, one day at a time; and

Whereas, every person can move the world in the direction of peace through their daily nonviolent choice and action; and

Whereas, an awareness of nonviolent principles and practice is a powerful way to heal, transform and empower our lives and communities; and

Whereas, January 30, 1998, and April 4, 1998, commemorate the 50th and 30th memorial anniversaries of Mahatma Gandhi and Dr. Martin Luther King Jr.;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 30-April, 4, 1998, as *A SEASON FOR NONVIOLENCE* and urge all citizens to participate in local, national, and global educational and community action campaigns, to honor those who are using nonviolence to build communities that respect the dignity and worth of every human being.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-592

CHRIST UNIVERSAL TEMPLE MONTH

REVEREND DR. JOHNNIE COLEMON DAY

Whereas, the Reverend Dr. Johnnie Coleman, known as the First Lady of New Thought, founded Christ Universal Temple (CUT), the organization that teaches people how to live a healthy, happy, prosperous life, 41 years ago on October 17, 1956; and

Whereas, CUT has divinely grown from the dining room table of the founder/leader to 32 acres at Ashland Avenue and Rev. Johnnie Coleman Drive (119th Street); and

Whereas, the Christ Universal "Campus" includes the world's largest new thought church, which seats 4,000, and the greatest resource center on books for better living and the curriculum extensive teaching at the Johnnie Coleman Institute (JCI). JCI is for students learning Universal Truth Principles, teachers and counselors who can serve as channels through which God can teach and also to prepare for ordination those whom God has chosen to minister to his people; and

Whereas, the globally recognized organization ministers to over 15,000 members, teaching a message of hope, peace, joy and happiness that is to be lived seven days a week; and

Whereas, the Rev. Dr. Johnnie Coleman is always building --- building the consciousness of the people, thereby manifesting the brick and mortar of the buildings; and

Whereas, the most recent addition to the Christ Universal Campus is a private school for grades K-8 which is to be named the Johnnie Coleman Academy; and

Whereas, CUT is the institution in Chicago, in Cook County, in the State of Illinois and the nation that expresses world changing consciousness for a better life for all people for all time;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as **CHRIST UNIVERSAL TEMPLE MONTH** and October 26, 1997, as **REVEREND DR. JOHNNIE COLEMON DAY** in Illinois.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-593**DUNBAR VOCATIONAL HIGH SCHOOL DAYS**

Whereas, Dunbar Vocational Career Academy, named after Paul Laurence Dunbar, an African American poet, was founded by Clifford J. Campbell in an empty building next door to Forrestville in 1942. Mr. Campbell felt there was a need to provide training for the future of the many African American World War II veterans returning from the war as they flocked to complete their education under the "GI Bill of Rights" because, at the time, Wasburne Trade School was highly segregated; and

Whereas, from 1942, where it started out as Dunbar Trade School, and in 1958 when it moved to its present location at 3000 S. Dr. Martin Luther King Jr. Drive, Dunbar has continually provided quality education to more than one million students during its 55 years as a school. Clifford Campbell, director of the school, was required to have both a teaching degree and an engineering degree, unlike the principals of today. After all teachers had met the qualifications the board changed the name from Trade to Vocational; and

Whereas, popularly known as "The Home of the Mighty Men/Women," Dunbar

offers a rigorous academic/vocational curriculum, and has continued to contribute to the vitality of the City of Chicago and abroad; and

Whereas, from the beginning of this year, the Dunbar Vocational High School Alumni Association, Inc. has actively campaigned for its name to remain the same, and not to be changed to Dunbar Career Academy; and

Whereas, today, the future of Dunbar is even brighter. The Dunbar Vocational High School Alumni Association, Inc. and Dunbar Vocational High School Hall of Fame Committee are celebrating "55 Years of Learn by Doing" and are continuing their commitment to excellence in vocational education because "We're Making a World of Difference";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17-18, 1997, as **DUNBAR VOCATIONAL HIGH SCHOOL DAYS** in Illinois and urge all Chicagoans to recognize these efforts by the Alumni Association and Hall of Fame Committee to provide scholarships and promising futures for the leaders of tomorrow.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-594**PLANNED PARENTHOOD SPRINGFIELD AREA DAY**

Whereas, for 25 years Planned Parenthood Springfield Area has been providing quality health care and education to the Springfield Area; and

Whereas, Planned Parenthood has helped many teens, women and families over the past 25 years and has saved many lives; and

Whereas, Planned Parenthood Federation of America is the world's oldest and largest voluntary reproductive health care organization and is dedicated to the principle that every individual has a fundamental right to choose when or whether to have a child; and

Whereas, Planned Parenthood's not-for-profit affiliates operate 900 clinics in 48 states and the District of Columbia; and

Whereas, Planned Parenthood centers provide medical and educational services for more than five million Americans each year, regardless of race, age, gender, sexual orientation, disability or economic circumstance; and

Whereas, through its international program, Family Planning International Assistance, Planned Parenthood helps meet the family planning needs of women and men in the developing world; and

Whereas, in honor of their 25th Anniversary, the board and staff of Planned Parenthood will hold a reception and dinner on October 23, 1997, at the Crowne Plaza; and

Whereas, former Surgeon General of the United States, Joycelyn Elders, will be the guest speaker for the evening;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1997, as **PLANNED PARENTHOOD SPRINGFIELD AREA DAY** in Illinois.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-595**REFUGEE WEEK**

Whereas, the United States has long been a symbol of hope and a source of substantial aid for refugees around the world; and

Whereas, the United States reaches the 17th anniversary of the Refugee Act; and

Whereas, October 24, 1997, marks the 53rd anniversary celebration of the United Nations; and

Whereas, Illinois is the fifth largest state in the nation in refugee population with more than 95,000 refugees arriving since 1975; and

Whereas, the Illinois Department of Public Aid has for 17 years administered the Refugee Rescurement Program and coordinated employment and adjustment services through a consortium of community-based organizations throughout the state; and

Whereas, the Illinois Department of Public Health has for 17 years administered and coordinated health services for refugees at local health screening centers throughout the state; and

Whereas, Illinois and the nation remain committed to assisting refugees and to contributing toward international relief efforts and will support the United Nations High Commissioner for Refugees; and

Whereas, the demise of communism and the triumph of democratic movements around the world have brought about an era of promise and opportunity. Heartened by this knowledge, let us build on the progress we have made so that all peoples might enjoy the blessings of the freedom and security in their respective homelands;

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim the week of October 20, 1997, as *REFUGEE WEEK* in Illinois and encourage all Illinoisans to observe this week with appropriate programs, ceremonies, and activities.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-596

SLOVENIAN DAY

Whereas, October 25, 1997, Slovenians around the world will celebrate the 79th anniversary of the independence of their European homeland; and

Whereas, 1997 marks the 47th anniversary of the Slovenian Day Festival in Illinois; and

Whereas, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing and crafts; and

Whereas, thousands of Slovenian-Americans have been living in Illinois for generations and have contributed a great deal to the progress and development of the state; and

Whereas, a special independence day program will be shared by all Illinois citizens on October 25, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25, 1997, as *SLOVENIAN DAY* in Illinois.

Issued by the Governor October 14, 1997.

Filed by the Secretary of State October 21, 1997.

97-597

CLARA E. WINNING RECOGNIZED

Whereas, Clara E. Winning of Marion, Illinois, will be 94 years old on October 17, 1997; and

Whereas, Ms. Winning was the fifth child in a family of ten, and was

expected to help care for the little ones and keep the house functioning due to her mother's poor health; and

Whereas, as a young adult, Ms. Winning dedicated herself to her family and home and was unable to finish school; and

Whereas, at age 23, Ms. Winning married a wonderful man with whom she raised one son and two daughters; and

Whereas, throughout the rest of her life, Ms. Winning cared for her parents and grandparents, worked as a nurse's aide and finally retired in 1974; and

Whereas, throughout the years, Ms. Winning has focused upon her family, church and country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize Clara E. Winning for her lifetime of work and sacrifice for others.

Issued by the Governor October 15, 1997.

Filed by the Secretary of State October 21, 1997.

97-598

COSMOPOLITAN BANK AND TRUST DAY

Whereas, the Cosmopolitan Bank and Trust, located in Chicago at the corner of Chicago Ave. and Clark St., has been a Chicago institution since 1920; and

Whereas, Cosmopolitan Bank and Trust is a full-service commercial bank that offers a wide range of banking services while operating as a neighborhood bank with a personal touch; and

Whereas, Cosmopolitan Bank caters to the working community and currently employs 45 workers; and

Whereas, Cosmopolitan Bank and Trust was acquired by its current owner, FBOP Corporation in May 1991; and

Whereas, Cosmopolitan Bank embarked on a multi-million-dollar restoration project in March of 1996; and

Whereas, Cosmopolitan Bank and Trust has worked closely with the landmarks preservation council of Illinois and local groups to maintain the bank's original appearance; and

Whereas, Cosmopolitan Bank's original bank building is being integrated with a reconstructed north addition that resembles the classic form of the original building, including detailing such as ornately carved limestone and Flemish bond masonry, consistent with the 1920 design; and

Whereas, the final result, the original banking hall and newly reconstructed north addition will be merged into one cohesive design statement with the freestanding drive-up canopy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1997, as *COSMOPOLITAN BANK AND TRUST DAY* in Illinois.

Issued by the Governor October 15, 1997.

Filed by the Secretary of State October 21, 1997.

97-599

DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Whereas, more violent deaths are attributed to traffic crashes than any other cause. In 1996, there were 1,477 traffic fatalities in Illinois; and

Whereas, approximately 38 percent of fatally injured drivers whose blood was tested had alcohol concentration levels above the legal limit; and

Whereas, citizens deserve a solution to this nationwide health and safety threat; and

Whereas, such a solution requires the cooperation of all levels of government and business as well as the general public; and

Whereas, the holiday season traditionally sees a greater number of crashes and is an appropriate time to focus attention on both the problem and its solution;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1997 as *DRUNK AND DRUGGED DRIVING PREVENTION MONTH* in Illinois.

Issued by the Governor October 15, 1997.

Filed by the Secretary of State October 21, 1997.

97-600

KATHERINE SHINDLE DAY

Whereas, Katherine Shindle was born January 31, 1977, the daughter of Gordon and Maggie Shindle; and

Whereas, she is a native of Moorestown, New Jersey, and proud to live in the Land of Lincoln; and

Whereas, Kate is a senior at Northwestern University in Evanston, Illinois, and an avid Northwestern Wildcats fan; and

Whereas, she worked as a janitor at an Evanston dance studio, mopping the tap room in exchange for dance lessons while attending Northwestern University as a diligent student with hopes to pursue a career in musical theater; and

Whereas, Kate was the representative of Illinois in the 1997 Miss America Pageant and electrified the pageant's talent competition with a stellar rendition of "Don't Rain On My Parade;" and

Whereas, Kate's accomplishments include volunteer work for several charity organizations; and

Whereas, Kate's platform issue as a contestant in the Miss America Pageant was "AIDS Prevention: Education in Action;" and

Whereas, on September 13, 1997, Kate was crowned Miss America 1998; and

Whereas, during the upcoming year, she will travel throughout the country educating the public on AIDS Prevention and related issues while serving as a representative of the United States and Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1997, as *KATHERINE SHINDLE DAY* in Illinois.

Issued by the Governor October 15, 1997.

Filed by the Secretary of State October 21, 1997.

97-601

VANCE CUMMINS DAY

Whereas, Vance Cummins has served on the boards of the Will County Chapter of the American Red Cross, the Joliet Area Junior Achievement, Will County Tuberculosis Association, Joliet Mass Transit District, School of Commerce and Business of the University of Illinois, Salvation Army, Public Health Council, and Citizens for Better Schools, and is past president of the Joliet Park Board and the Joliet Region Chamber of Commerce Board; and

Whereas, Vance Cummins has served as chairman of the Downtown Development Council, Pride Committee of the Joliet Region Chamber of Commerce, Cancer Crusade and the land planning Advisory Committee for the City of Joliet; and

Whereas, Vance Cummins has been a member of the Joliet Kiwanis Club for 62 years and has served as local president, lieutenant governor, and treasurer of District 18, participating in over 40 Kiwanis shows and is the only member to have a show dedicated to him, and has 56 years of perfect attendance; and

Whereas, Vance Cummins was the 1970 Credit Women International of Will County's "Boss of the Year;" and

Whereas, Vance Cummins has received the Joliet Junior Colleges Distinguished Services Award; and

Whereas, Vance Cummins is a member and past treasurer, trustee and elder of the Central Presbyterian Church, playing on and coaching the church baseball team for many years; and

Whereas, Vance Cummins is a long suffering sports enthusiast. He is the past Will County tennis champion and is active in golf, bowling and fishing; and

Whereas, Vance Cummins is to be recognized for a lifetime of caring to his devoted family and grateful community; and

Whereas, Vance Cummins will celebrate his 91st birthday on November 3, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 3, 1997, as *VANCE CUMMINS DAY* in Illinois

Issued by the Governor October 15, 1997.

Filed by the Secretary of State October 21, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III: Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatala@ccgate.sos.state.il.us (Internet address).

PROPOSED

17-130-44
56-2520-43
26-100-42
68-1252-42
26-125-42
68-1270-44
26-216-42
68-1380-42
32-360-45
68-1480-42
35-183-44
71-400-45
38-180-42
71-2005-45
41-180-42
80-150-44
47-220-42
86-1910-45
47-250-42
47-260-42
47-310-42
47-360-42
47-365-42
50-8100-42
68-1283-44
68-1300-45
68-1310-44
68-1350-44
68-1470-44
77-463R-44
77-465-44
77-750-42
80-150-42
86-130-42
89-140-42
89-146-42
89-332-45
92-1205-43
92-1710-43
92-1720-43
92-1730-43
92-1740-43

EMERGENCY

77-290-42
86-3000-45

PEREMPT.

8-125-45
77-290-42
77-2090-43
80-310-44,45
89-140-42

ADOPTED

2-1975-42
17-685-45
23-275-45
50-2018-44

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

___1977-1978___1979___1980___1981___1982___1983___1984___1985___1986___
___1987___1988___1989___1990___1991___1992___1993___1994___1995___1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

___1981___1982___1983___1984___1985___1986___1987___1988___1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

___1984___1985___1986___1987___1988___1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

___1990___1991___1992___1993___1994___1995___1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(VOLUME #)

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

___NEW___RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY @\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$_____

___CHECK___VISA___MC___DISCOVER CARD#:_____

EXPIRATION DATE:_____SIGNATURE:_____

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:_____

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

